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OF

THE RIGHT HONOURABLE

EDMUND BURKE

VOL. VIII.

SPEECHES ON THE IMPEACHMENT OF WARREN HASTINGS, AND LETTERS.

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SPEECHES AND CORRESPONDENCE.

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BY

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SPEECHES

IN THE IMPEACHMENT OF

WARREN HASTINGS.

FRIDAY, 30TH MAY, 1794.

SECOND DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—On the last day of the sitting of this court, when I had the honour of appearing before you by the order of my fellow-managers, I stated to you their observations and my own upon two great points; one the demeanour of the prisoner at the bar during his trial, and the other the principles of his defence. I compared that demeanour with the behaviour of some of the greatest men in this kingdom, who have, on account of their offences, been brought to your bar, and who have seldom escaped your lordships' justice. I put the decency, humility, and propriety of the most distinguished men's behaviour in contrast with the shameless effrontery of this prisoner, who has presumptuously made a recriminatory charge against the House of Commons, and answered their impeachment by a counter-impeachment, explicitly accusing them of malice, oppression, and the blackest ingratitude.

My lords, I next stated that this recriminatory charge consisted of two distinct parts, injustice and delay. To the injustice we are to answer, by the nature and proof of the charges which we have brought before you; and to the delay, my lords, we have answered in another place. Into one of the consequences of the delay, the ruinous expense which

the prisoner complains of, we have desired your lordships to make an inquiry, and have referred you to facts and witnesses, which will remove this part of the charge.

With regard to ingratitude, there will be a proper time for animadversion on this charge. For in considering the merits that are intended to be set off against his crimes, we shall have to examine into the nature of those merits, and to ascertain how far they are to operate, either as the prisoner designs they shall operate in his favour, as presumptive proofs that a man of such merits could not be guilty of such crimes, or as a sort of set-off to be pleaded in mitigation of his offences. In both of these lights we shall consider his services, and in this consideration we shall determine the justice of his charge of ingratitude.

My lords, we have brought the demeanour of the prisoner before you for another reason. We are desirous that your lordships may be enabled to estimate, from the proud presumption and audacity of the criminal at your bar, when he stands before the most awful tribunal in the world, accused by a body representing no less than the sacred voice of his country—what he must have been when placed in the seat of pride and power. What must have been the insolence of that man towards the natives of India, who, when called here to answer for enormous crimes, presumes to behave, not with the firmness of innocence, but with the audacity and hardness of guilt?

It may be necessary that I should recall to your lordships' recollection the principles of the accusation and of the defence. Your lordships will bear in mind, that the matters of fact are all either settled by confession or conviction, and that the question now before you is no longer an issue of fact, but an issue of law. The question is, what degree of merit or demerit you are to assign by law to actions which have been laid before you, and their truth acknowledged. The principle being established, that you are to decide upon an issue at law, we examined by what law the prisoner ought to be tried; and we preferred a claim which we do now solemnly prefer, and which we trust your lordships will concur with us in a laudable emulation to establish; a claim founded upon the great truths, that all power is limited by law, and ought to be guided by discretion and not by arbitrary will:

—that all discretion must be referred to the conservation and benefit of those over whom power is exercised; and therefore must be guided by rules of sound political morality.

We next contended, that, wherever existing laws were applicable, the prisoner at your bar was bound by the laws and statutes of this kingdom as a British subject; and that, whenever he exercised authority in the name of the Company, or in the name of his Majesty, or under any other name, he was bound by the laws and statutes of this kingdom, both in letter and spirit, so far as they were applicable to him and to his case; and above all, that he was bound by the act to which he owed his appointment, in all transactions with foreign powers, to act according to the known recognised rules of the law of nations; whether these powers were really or nominally sovereign, whether they were dependent or independent.

The next point which we established, and which we now call to your lordships' recollection, is, that he was bound to proceed according to the laws, rights, laudable customs, privileges, and franchises of the country that he governed; and we contended that to such laws, rights, privileges, and franchises, the people of the country had a clear and just claim.

Having established these points as the basis of Mr. Hastings's general power, we contended that he was obliged by the nature of his relation, as a servant to the Company, to be obedient to their orders at all times; and particularly where he had entered into special covenants regarding special articles of obedience. These are the principles by which we have examined the conduct of this man, and upon which we have brought him to your lordships' bar for judgment. This is our table of the law. Your lordships shall now be shown the table by which he claims to be judged; but I will first beg your lordships to take notice of the utter contempt with which he treats all our acts of parliament. Speaking of the absolute sovereignty which he would have you believe is exercised by the princes of India, he says, "The sovereignty which they assumed, it fell to my lot very unexpectedly to exert, and whether or not such power or powers of that nature were delegated to me by any provisions of any act of parliament, I confess myself too little of a lawyer to pronounce," and so on. This is the manner

in which he treats an act of parliament. In the place of acts of parliament he substitutes his own arbitrary will. This he contends is the sole law of the country he governed, as laid down in what he calls the arbitrary institutes of Ghinges Khân and Tamerlane. This arbitrary will he claims, to the exclusion of the Gentoo law, the Mahomedan law, and the law of his own country. He claims the right of making his own will the sole rule of his government, and justifies the exercise of this power by the examples of Aliverdi Khân, Cossim Ali Khân, Sujah Dowlah Khân, and all those Khâns who have rebelled against their masters, and desolated the countries subjected to their rule. This, my lords, is the law which he has laid down for himself, and these are the examples which he has expressly told the House of Commons he is resolved to follow. These examples, my lords, and the principles with which they are connected, without any softening or mitigation, he has prescribed to you as the rule by which his conduct is to be judged.

Another principle of the prisoner is, that whenever the Company's affairs are in distress, even when that distress proceeds from his own prodigality, mismanagement, or corruption, he has a right to take for the Company's benefit privately in his own name, with the future application of it to their use reserved in his own breast, every kind of bribe or corrupt present whatever.

I have now restated to your lordships the maxims by which the prisoner persists in defending himself, and the principles upon which we claim to have him judged. The issue before your lordships is a hundred times more important than the cause itself, for it is to determine by what law or maxims of law the conduct of governors is to be judged.

On one side, your lordships have the prisoner declaring that the people have no laws, no rights, no usages, no distinctions of rank, no sense of honour, no property; in short, that they are nothing but a herd of slaves to be governed by the arbitrary will of a master. On the other side, we assert that the direct contrary of this is true. And to prove our assertion, we have referred you to the Institutes of Ghinges Khân and of Tamerlane: we have referred you to the Mahomedan law, which is binding upon all, from the crowned head to the meanest subject; a law interwoven with a system of the

wisest, the most learned, and most enlightened jurisprudence that perhaps ever existed in the world. We have shown you, that if these parties are to be compared together, it is not the rights of the people which are nothing, but rather the rights of the sovereign which are so. The rights of the people are everything, as they ought to be in the true and natural order of things. God forbid that these maxims should trench upon sovereignty, and its true, just, and lawful prerogative; on the contrary, they ought to support and estab-li[illegible] The sovereign's rights are undoubtedly sacred [illegible] ought to be so held in every country in the world; b[illegible]se exercised for the benefit of the people, and in subord[illegible]tion to that great end for which alone God has vested power in any man or any set of men. This is the law that we insist upon, and these are the principles upon which your lordships are to try the prisoner at your bar.

Let me remind your lordships that these people lived under the laws to which I have referred you, and that these laws were formed whilst we, I may say, were in the forest; certainly before we knew what technical jurisprudence was. These laws are allowed to be the basis and substratum of the manners, customs, and opinions of the people of India; and we contend that Mr. Hastings is bound to know them and to act by them; and I shall prove that the very condition upon which he received power in India was to protect the people in their laws and known rights. But whether Mr. Hastings did know these laws, or whether, content with credit gained by as base a fraud as was ever practised, he did not read the books which Nobkissin paid for, we take the benefit of them; we know and speak after knowledge of them. And although I believe his counsel have never read them, I should be sorry to stand in this place, if there was one word and tittle in these books that I had not read over.

We therefore come here and declare to you that he is not borne out by these institutes, either in their general spirit or in any particular passage to which he has had the impudence to appeal, in the assumption of the arbitrary power which he has exercised. We claim that, as our own government and every person exercising authority in Great Britain is bound by the laws of Great Britain, so every person exercising authority in another country shall be subject to the laws of

that country; since otherwise they break the very covenant by which we hold our power there. Even if these institutes had been arbitrary, which they are not, they might have been excused as the acts of conquerors. But, my lords, he is no conqueror, nor anything but what you see him; a bad scribbler of absurd papers, in which he can put no two sentences together without contradiction. We know him in no other character than that of having been a bullock-contractor for some years; of having acted fraudulently in that capacity, and afterwards giving fraudulent contracts to others; and yet I will maintain that the first conquerors of the world would have been base and abandoned if they had assumed such a right as he dares to claim. It is the glory of all such great men to have for their motto, *Parcere subjectis et debellare superbos.* These were men that said they would recompense the countries which they had obtained through torrents of blood, through carnage and violence, by the justice of their institutions, the mildness of their laws, and the equity of their government. Even if these conquerors had promulgated arbitrary institutes, instead of disclaiming them in every point, you, my lords, would never suffer such principles of defence to be urged here; still less will you suffer the examples of men acting by violence, of men acting by wrong,—the example of a man who has become a rebel to his sovereign in order that he should become the tyrant of his people, to be examples for a British governor, or for any governor. We here confidently protest against this mode of justification, and we maintain that his pretending to follow these examples is in itself a crime; the prisoner has ransacked all Asia for principles of despotism; he has ransacked all the bad and corrupted part of it for tyrannical examples to justify himself; and certainly in no other way can he be justified.

Having established the falsehood of the first principle of the prisoner's defence, that sovereignty, wherever it exists in India, implies in its nature and essence a power of exacting anything from the subject, and disposing of his person and property,—we now come to his second assertion, that he was the true, full, and perfect representative of that sovereignty in India.

In opposition to this assertion we first do positively deny

that he or the Company are the perfect representative of any sovereign power whatever. They have certain rights by their charter and by acts of parliament, but they have no other. They have their legal rights only, and these do not imply any such thing as sovereign power. The sovereignty of Great Britain is in the king; he is the sovereign of the Lords and the sovereign of the Commons, individually and collectively; and as he has his prerogative established by law, he must exercise it, and all persons claiming and deriving under him, whether by act of parliament, whether by charter of the crown, or by any other mode whatever, all are alike bound by law, and responsible to it. No one can assume or receive any power of sovereignty, because the sovereignty is in the crown, and cannot be delegated away from the crown; no such delegation ever took place, or ever was intended; as any one may see in the act by which Mr. Hastings was nominated governor. He cannot, therefore, exercise that high supreme sovereignty, which is vested by the law, with the consent of both Houses of parliament, in the king, and in the king only. It is a violent, rebellious assumption of power, when Mr. Hastings pretends fully, perfectly, and entirely to represent the sovereign of this country, and to exercise legislative, executive, and judicial authority with as large and broad a sway as his Majesty, acting with the consent of the two houses of parliament, and agreeably to the laws of this kingdom. I say, my lords, this is a traitorous and rebellious assumption which he has no right to make, and which we charge against him, and therefore it cannot be urged in justification of his conduct in any respect.

He next alleges, with reference to one particular case, that he received this sovereignty from the Vizier Sujah Dowlah, who, he pretends, was sovereign, with an unlimited power over the life, goods, and property of Cheit Sing. This we positively deny. Whatever power the supreme sovereign of the empire had, we deny that it was delegated to Sujah Dowlah. He never was in possession of it. He was a vizier of the empire; he had a grant of certain lands for the support of that dignity, and we refer you to the institutes of Timour, to the institutes of Akbar, to the institutes of the Mahomedan law, for the powers of delegated governors and viceroys. You will find that there is not a trace of sove-

reignty in them; but that they are, to all intents and purposes, mere subjects; and consequently, as Sujah Dowlah had not these powers, he could not transfer them to the India Company. His master, the Mogul emperor, had them not. I defy any man to show an instance of that emperor's claiming any such thing as arbitrary power; muchless can it be claimed by a rebellious viceroy who had broken loose from his sovereign's authority, just as this man broke loose from the authority of parliament. The one had not a right to give, nor the other to receive, such powers; but whatever rights were vested in the Mogul, they cannot belong either to Sujah Dowlah, to Mr. Hastings, or to the Company. These latter are expressly bound by their compact to take care of the subjects of the empire, and to govern them according to law, reason, and equity; and when they do otherwise, they are guilty of tyranny, of a violation of the rights of the people, and of rebellion against their sovereign.

We have taken these pains to ascertain and fix principles, because your lordships are not called upon to judge of facts. A jury may find facts, but no jury can form a judgment of law; it is an application of the law to the fact that makes the act criminal or laudable. You must find a fixed standard of some kind or other; for if there is no standard but the immediate momentary purpose of the day, guided and governed by the man who uses it, fixed not only for the disposition of all the wealth and strength of the state, but for the life, fortune, and property of every individual, your lordships are left without a principle to direct your judgment. This high court—this supreme court of appeal from all the courts of the kingdom—this highest court of criminal jurisdiction, exercised upon the requisition of the House of Commons, if left without a rule, would be as lawless as the wild savage, and as unprincipled as the prisoner that stands at your bar. Our whole issue is upon principles, and what I shall say to you will be in perpetual reference to them, because it is better to have no principles at all than to have false principles of government and of morality. Leave a man to his passions, and you leave a wild beast to a savage and capricious nature. A wild beast indeed, when its stomach is full, will caress you, and may lick your hands; in like manner, when a tyrant is pleased, or his passion satiated, you

may have a happy and serene day under an arbitrary government. But, when the principle founded on solid reason, which ought to restrain passion, is perverted from its proper end, the false principle will be substituted for it, and then man becomes ten times worse than a wild beast. The evil principle, grown solid and perennial, goads him on and takes entire possession of his mind; and then perhaps the best refuge that you can have from that diabolical principle is in the natural wild passions and unbridled appetites of mankind. This is a dreadful state of things; and therefore we have thought it necessary to say a great deal upon his principles.

My lords, we come next to apply these principles to facts which cannot otherwise be judged, as we have contended and do now contend. I will not go over facts which have been opened to you by my fellow-managers: if I did so, I should appear to have a distrust, which I am sure no other man has, of the greatest abilities displayed in the greatest of all causes. I should be guilty of a presumption which I hope I shall not dream of, but leave to those who exercise arbitrary power, in supposing that I could go over the ground which my fellow-managers have once trodden, and make anything more clear and forcible than they have done. In my humble opinion, human ability cannot go further than they have gone: and if I ever allude to anything which they have already touched, it will be to show it in another light;—to mark more particularly its departure from the principles upon which we contend you ought to judge; or to supply those parts which through bodily infirmity, and I am sure nothing else, one of my excellent fellow-managers has left untouched. I am here alluding to the case of Cheit Sing.

My honourable fellow-manager, Mr. Grey, has stated to you all the circumstances requisite to prove two things:—First, that the demands made by Mr. Hastings upon Cheit Sing were contrary to fundamental treaties between the Company and that Rajah;—and next, that they were the result and effect of private malice and corruption. This having been stated and proved to you, I shall take up the subject where it was left.

My lords, in the first place I have to remark to you, that the whole of the charge originally brought by Mr. Hastings against Cheit Sing, in justification of his wicked and tyrannical proceedings, is, that he had been dilatory, evasive,

shuffling, and unwilling to pay that which, however unwilling, evasive, and shuffling, he did pay. And that with regard to the business of furnishing cavalry, the Rajah has asserted, and his assertion has not been denied, that when he was desired by the council to furnish these troopers, the purpose for which this application was made was not mentioned or alluded to, nor was there any place of muster pointed out. We therefore contended that the demand was not made for the service of the state, but for the oppression of the individual that suffered by it.

But admitting the Rajah to have been guilty of delay and unwillingness, what is the nature of the offence? If you strip it of the epithets by which it has been disguised, it merely amounts to an unwillingness in the Rajah to pay more than the sums stipulated by the mutual agreement existing between him and the Company. This is the whole of it; the whole front and head of the offence; and for this offence, such as it is, and admitting that he could be legally fined for it, he was subjected to the secret punishment of giving a bribe to Mr. Hastings, by which he was to buy off the fine, and which was consequently a commutation for it.

That your lordships may be enabled to judge more fully of the nature of this offence, let us see in what relation Cheit Sing stood with the Company. He was, my lords, a person clothed with every one of the attributes of sovereignty, under a direct stipulation that the Company should not interfere in his internal government. The military and civil authority, the power of life and death, the whole revenue, and the whole administration of the law, rested in him. Such was the sovereignty he possessed within Benares; but he was a subordinate sovereign, dependent upon a superior, according to the tenor of his compact, expressed or implied. Now having contended, as we still contend, that the law of nations is the law of India as well as of Europe, because it is the law of reason and the law of nature, drawn from the pure sources of morality, of public good, and of natural equity, and recognised and digested into order by the labour of learned men, I will refer your lordships to Vattel, book 1, cap. 16, where he treats of the breach of such agreements, by the protector refusing to give protection, or the protected refusing to perform his part of the engagement. My design, in referring you to this

author, is to prove that Cheit Sing, so far from being blamable in raising objections to the unauthorized demand made upon him by Mr. Hastings, was absolutely bound to do so, nor could he have done otherwise, without hazarding the whole benefit of the agreement upon which his subjection and protection were founded. The law is the same with respect to both contracting parties; if the protected or protector does not fulfil with fidelity *each his separate stipulation*, the protected may resist the unauthorized demand of the protector, or the protector is discharged from his engagement; he may refuse protection, and declare the treaty broken.

We contend in favour of Cheit Sing, in support of the principles of natural equity and of the law of nations, which is the birthright of us all,—we contend, I say, that Cheit Sing would have established, in the opinions of the best writers on the law of nations, a precedent against himself for any future violation of the engagement, if he submitted to any new demand, without what our laws call a continual claim or perpetual remonstrance against the imposition. Instead, therefore, of doing that which was criminal, he did that which his safety and his duty bound him to do, and for doing this he was considered by Mr. Hastings as being guilty of a great crime. In a paper which was published by the prisoner, in justification of this act, he considers the Rajah to have been guilty of rebellious intentions; and he represents these acts of contumacy, as he calls them, not as proofs of contumacy merely, but as proofs of a settled design to rebel, and to throw off the authority of that nation by which he was protected. This belief he declares on oath to be the ground of his conduct towards Cheit Sing.

Now, my lords, we do contend, that if any subject under any name, or of any description, be not engaged in public open rebellion, but continues to acknowledge the authority of his sovereign, and if tributary to pay tribute conformably to agreement, such a subject, in case of being suspected of having formed traitorous designs, ought to be treated in a manner totally different from that which was adopted by Mr. Hastings. If the Rajah of Benares had formed a secret conspiracy, Mr. Hastings had a state duty and a judicial duty to perform. He was bound, as Governor, knowing of such a conspiracy, to provide for the public safety; and as a judge, he was bound to convene a criminal court, and to lay before

it a detailed accusation of the offence. He was bound to proceed publicly and legally against the accused, and to convict him of his crime, previous to his inflicting or forming any intention of inflicting punishment. I say, my lords, that Mr. Hastings, as a magistrate, was bound to proceed against the Rajah either by English law, by Mahomedan law, or by the Gentoo law; and that by all or any of these laws he was bound to make the accused acquainted with the crime alleged, to hear his answer to the charge, and to produce evidence against him, in an open, clear, and judicial manner. And here, my lords, we have again to remark that the Mahomedan law is a great discriminator of persons, and that it prescribes the mode of proceeding against those who are accused of any delinquency requiring punishment, with a reference to the distinction and rank which the accused held in society. The proceedings are exceedingly sober, regular, and respectful, ever to criminals charged with the highest crimes; and every magistrate is required to exercise his office in the prescribed manner. In the Hedaia, after declaring and discussing the propriety of the cauzy's sitting openly in the execution of his office, it is added, that there is no impropriety in the cauzy sitting in his own house to pass judgment; but it is requisite that he give orders for a free access to the people. It then proceeds thus: "It is requisite that such people sit along with the cauzy as were used to sit with him, prior to his appointment to the office; because, if he were to sit alone in his house, he would thereby give rise to suspicion."[1]

My lords, having thus seen what the duty of a judge is in such a case, let us examine whether Mr. Hastings observed any part of the prescribed rules. First, with regard to the publicity of the matter. Did he ever give any notice to the supreme council of the charges which he says he had received against Cheit Sing? Did he accuse the Rajah in the council, even when it was reduced to himself and his poor, worn-down, cowed, and I am afraid, bribed colleague, Mr. Wheler? Did he even then. I ask, produce any one charge against this man? He sat in council as a judge; as an English judge; as a Mahomedan judge; as a judge by the Gentoo law, and by the law of nature. He should have summoned the party to appear in person, or by his attorney,

[1] Hedaia, vol. ii. p. 621.

before him, and should have there informed him of the charge against him. But, my lords, he did not act thus. He kept the accusation secret in his own bosom. And why? Because he did not believe it to be true. This may at least be inferred from his having never informed the council of the matter. He never informed the Rajah of Benares of the suspicions entertained against him, during the discussions which took place respecting the multiplied demands that were made upon him. He never told this victim, as he has had the audacity to tell us and all this kingdom, in the paper that is before your lordships, that he looked upon these refusals to comply with his demands to be overt acts of rebellion; nor did he ever call upon him to answer or to justify himself with regard to that imputed conspiracy or rebellion. Did he tell Sadanund, the Rajah's agent, when that agent was giving him a bribe or a present in secret, and was thus endeavouring to deprecate his wrath, that he accepted that bribe because his master was in rebellion? Never, my lords; nor did he, when he first reached Benares and had the Rajah in his power, suggest one word concerning this rebellion. Did he, when he met Mr. Markham at Bauglepore, where they consulted about the destruction of this unhappy man, did he tell Mr. Markham, or did Mr. Markham insinuate to him, any one thing about this conspiracy and rebellion? No; not a word there or in his whole progress up the country. While at Bauglepore he wrote a letter to Lord Macartney upon the state of the empire, giving him much and various advice. Did he insinuate in that letter that he was going up to Benares to suppress a rebellion of the Rajah Cheit Sing, or to punish him? No; not a word. Did he, my lords, at the eve of his departure from Calcutta, when he communicated his intention of taking £500,000, which he calls a fine or penalty, from the Rajah, did he inform Mr. Wheler of it? No, not a word of his rebellion, nor anything like it. Did he inform his secret confidants, Mr. Anderson and Major Palmer, upon that subject? Not a word, there was not a word dropped from him of any such rebellion, or of any intention in the Rajah Cheit Sing to rebel. Did he, when he had vakeels in [illegible] part of the Mahratta empire and in the country of Sujah Dowlah, when he had in most of those courts English ambassadors and native spies; did he either from ambassa-

dors or spies receive anything like authentic intelligence upon this subject? While he was at Benares he had in his hands Beneram Pundit, the vakeel of the Rajah of Berar, his own confidential friend, a person whom he took out of the service of his master, and to whom he gave a jaghire in this very zemindary of Benares. This man, so attached to Mr. Hastings, so knowing in all the transactions of India, neither accused Cheit Sing of rebellious intentions, nor furnished Mr. Hastings with one single proof that any conspiracy with any foreign power existed.

In this absence of evidence, my lords, let us have recourse to probability. Is it to be believed that the zemindar of Benares, a person whom Mr. Hastings describes as being of a timid, weak, irresolute, and feeble nature, should venture to make war alone with the whole power of the Company in India, aided by all the powers which Great Britain could bring to the protection of its Indian empire? Could that poor man, in his comparatively small district, possibly have formed such an intention without giving Mr. Hastings access to the knowledge of the fact, from one or other of the numerous correspondents which he had in that country?

As to the Rajah's supposed intrigues with the Nabob of Oude, this man was an actual prisoner of Mr. Hastings, and nothing else; a mere vassal, as he says himself, in effect and substance, though not in name. Can any one believe or think that Mr. Hastings would not have received from the English resident, or from some one of that tribe of English gentlemen and English military collectors, who were placed in that country in the exercise of the most arbitrary powers, some intelligence which he could trust, if any rebellious designs had really existed previous to the rebellion which did actually break out upon his arresting Cheit Sing?

There was an ancient Roman lawyer, of great fame in the history of Roman jurisprudence, whom they called *Cui Bono*; from his having first introduced into juridical proceedings the argument—*what end or object could the party have had in the act with which he is accused?* Surely it may be here asked, why should Cheit Sing wish to rebel, who held on easy and moderate terms (for such I admit they were) a very considerable territory, with every attribute of royalty attached? The tribute was paid for protection, which he had a right to

claim, and which he actually received. What reason under heaven could he have to go and seek another master; to place himself under the protection of Sujah Dowlah, in whose hands Mr. Hastings tells you, in so many direct and plain words, that neither the Rajah's property, his honour, nor his life could be safe? Was he to seek refuge with the Mahrattas, who, though Gentoos like himself, had reduced every nation which they subdued, except those who were originally of their own empire, to a severe servitude? Can any one believe that he wished either for the one or the other of these charges; or that he was desirous to quit the happy independent situation in which he stood under the protection of the British empire, from any loose, wild, improbable notion of mending his condition? My lords, it is impossible. There is not one particle of evidence, not one word of this charge on record, prior to the publication of Mr. Hastings's narrative; and all the presumptive evidence in the world would scarcely be sufficient to prove the fact, because it is almost impossible that it should be true.

But, my lords, although Mr. Hastings swore to the truth of this charge when he came before the House of Commons, yet in his narrative he thus fairly and candidly avowed that he entertained no such opinion at the time. "Every step," says he, "which I had taken before that fatal moment, namely, the flight of Cheit Sing, is an incontrovertible proof that I had formed no design of seizing upon the Rajah's treasures or of deposing him. And certainly at the time when I did form the design of making the punishment, that his former ill conduct deserved, subservient to the exigencies of the state, by a large fine, I did not believe him guilty of that premeditated project for driving the English out of India, with which I afterwards charged him." Thus then he declares upon oath, that the Rajah's contumacy was the ground of his suspecting him of rebellion, and yet when he comes to make his defence before the House of Commons, he simply and candidly declares, that long after these alleged acts of contumacy had taken place, he did not believe him to be guilty of any such thing as rebellion, and that the fine imposed upon him was for another reason and another purpose.

In page 28 of your printed minutes, he thus declares the purpose for which the fine was imposed. "I can answer

only to this formidable dilemma, that so long as I conceived Cheit Sing's misconduct and contumacy to have me rather than the Company for its object, at least to be merely the effect of pernicious advice or misguided folly, without any formal design of openly resisting our authority or disclaiming our sovereignty, I looked upon a considerable fine as sufficient both for his immediate punishment and for binding him to future good behaviour."

Here, my lords, the secret comes out. He declares it was not for a rebellion or a suspicion of rebellion that he resolved, over and above all his exorbitant demands, to take from the Rajah £500,000 (a good stout sum to be taken from a tributary power), that it was not for misconduct of this kind that he took this sum, but for personal ill behaviour towards himself. I must again beg your lordships to note that he then considered the Rajah's contumacy as having for its object not the Company, but Warren Hastings, and that he afterwards declared publicly to the House of Commons,—and now before your lordships, he declares finally and conclusively,—that he did believe Cheit Sing to have had the criminal intention imputed to him.

"So long," says he, "as I conceived Cheit Sing's misconduct and contumacy to have *me*" (in italics as he ordered it to be printed) "rather than the Company for its object, so long I was satisfied with a fine. I therefore entertained no serious thoughts of expelling him or proceeding otherwise to violence; but when he and his people broke out into the most atrocious acts of rebellion and murder, when the *jus fortioris et lex ultima requm* were appealed to on his part (and without any sufficient plea afforded him on mine), I from that moment considered him as the traitor and criminal described in the charge, and no concessions, no humiliations, could ever after induce me to settle on him the zemindary of Benares, or any other territory, upon any footing whatever."

Thus then, my lords, he has confessed that the era and the only era of rebellion was when the tumult broke out upon the act of violence offered by himself to Cheit Sing; and upon the ground of that tumult, or rebellion as he calls it, he says he never would suffer him to enjoy any territory or any right whatever. We have fixed the period of the rebellion for which he is supposed to have exacted this fine;

this period of rebellion was after the exaction of the fine itself, so that the fine was not laid for the rebellion, but the rebellion broke out in consequence of the fine and the violent measure accompanying it. We have established this, and the whole human race cannot shake it. He went up the country through malice to revenge his own private wrongs, not those of the Company. He fixed £500,000 as a mulct for an insult offered to himself, and then a rebellion broke out in consequence of his violence. This was the rebellion and the only rebellion; it was Warren Hastings's rebellion, a rebellion which arose from his own dreadful exaction; from his pride, from his malice and insatiable avarice; a rebellion which arose from his abominable tyranny, from his lust of arbitrary power, and from his determination to follow the examples of Sujah Dowlah, Azoph ul Dowlah, Cossim Ali Khân, Aliverdi Khân, and all the gang of rebels who are the objects of his imitation.

My patience, says he, *was exhausted.* Your lordships have, and ought to have, a judicial patience. Mr. Hastings has none of any kind. I hold that patience is one of the great virtues of a governor; it was said of Moses, that he governed by patience, and that he was the meekest man upon earth. Patience is also the distinguishing character of a judge; and I think your lordships, both with regard to us and with regard to him, have shown a great deal of it; we shall ever honour the quality, and if we pretend to say that we have had great patience in going through this trial, so your lordships must have had great patience in hearing it. But this man's patience, as he himself tells you, was soon exhausted. "I considered," he says, "the light in which such behaviour would have been viewed by his native sovereign, and I resolved he should feel the power he had so long insulted. Forty or fifty lacks of rupees would have been a moderate fine for Sujah ul Dowlah to exact: he who had demanded twenty-five lacks for the mere fine of succession, and received twenty in hand, and an increased rent tantamount to considerably above thirty lacks more; and therefore I rejected the offer of twenty, with which the Rajah would have compromised for his guilt when it was too late."

Now, my lords, observe who his models were, when he intended to punish this man for an insult on himself. Did he

consult the laws? Did he look to the Institutes of Timour, or to those of Ghinges Khân? Did he look to the Hedaia, or to any of the approved authorities in this country? No, my lords; he exactly followed the advice which Longinus gives to a great writer:—Whenever you have a mind to elevate your mind, to raise it to its highest pitch, and even to exceed yourself, upon any subject, think how Homer would have described it, how Plato would have imagined it, and how Demosthenes would have expressed it, and when you have so done, you will then, no doubt, have a standard which will raise you up to the dignity of anything that human genius can aspire to. Mr. Hastings was calling upon himself, and raising his mind to the dignity of what tyranny could do; what unrighteous exaction could perform. He considered, he says, how much Sujah Dowlah would have exacted, and that he thinks would not be too much for him to exact. He boldly avows, I raised my mind to the elevation of Sujah Dowlah. I considered what Cossim Ali Khân would have done, or Aliverdi Khân, who murdered and robbed so many. I had all this line of great examples before me, and I asked myself what fine they would have exacted upon such an occasion. But, says he, Sujah Dowlah levied a fine of twenty lacks for a right of succession.

Good God! my lords, if you are not appalled with the violent injustice of arbitrary proceedings, you must feel something humiliating at the gross ignorance of men who are in this manner playing with the rights of mankind. This man confounds a fine upon succession with a fine of penalty. He takes advantage of a defect in the technical language of our law, which, I am sorry to say, is not in many parts as correct in its distinctions and as wise in its provisions as the Mahomedan law. We use the word fine in three senses; first, as a punishment and penalty; secondly, as a formal means of cutting off by one form the ties of another form, which we call levying a fine; and thirdly, we use the word to signify a sum of money payable upon renewal of a lease or copyhold. The word has, in each case, a totally different sense; but such is the stupidity and barbarism of the prisoner, that he confounds these senses, and tells you Sujah Dowlah took twenty-five lacks as a fine from Cheit Sing, for the renewal

of his zemindary, and therefore, as a punishment for his offences, he shall take fifty. Suppose any one of your lordships or of us were to be fined for assault and battery, or for anything else, and it should be said, you paid such a fine for a bishop's lease, you paid such a fine on the purchase of an estate; and therefore, now that you are going to be fined for a punishment, we will take the measure of the fine, not from the nature and quality of your offence, not from the law upon the subject or from your ability to pay, but the amount of a fine you paid some years ago for an estate shall be the measure of your punishment. My lords, what should we say of such brutish ignorance, and such shocking confusion of ideas?

When this man had elevated his mind according to the rules of art, and stimulated himself to great things by great examples, he goes on to tell you that he rejected the offer of twenty lacks with which the Rajah would have compounded for his guilt when it was too late.

Permit me, my lords, to say a few words here, by way of referring back all this monstrous heap of violence and absurdity to some degree of principle. Mr. Hastings having completely acquitted the Rajah of any other fault than contumacy, and having supposed even that to be only personal to himself, he thought a fine of £500,000 would be a proper punishment. Now when any man goes to exact a fine, it presupposes inquiry, charge, defence, and judgment. It does so in the Mahomedan law; it does so in the Gentoo law; it does so in the law of England, in the Roman law, and in the law, I believe, of every nation under heaven, except in that law which resides in the arbitrary breast of Mr. Hastings, poisoned by the principles and stimulated by the examples of those wicked traitors and rebels whom I have before described. He mentions his intention of levying a fine; but does he make any mention of having charged the Rajah with his offences? It appears that he held an incredible quantity of private correspondence through the various residents, through Mr. Graham, Mr. Fowke, Mr. Markham, Mr. Benn, concerning the affairs of that country. Did he ever, upon this alleged contumacy (for at present I put the rebellion out of the question), inquire the progress of this personal affront offered to the Governor-General of Bengal? Did he ever state it to the Rajah, or did he call his vakeel before the council to an-

swer the charge? Did he examine any one person or particularize a single fact in any manner whatever? No. What then did he do? Why, my lords, he declared himself the person injured, stood forward as the accuser, assumed the office of judge, and proceeded to judgment without a party before him, without trial, without examination, without proof. He thus directly reversed the order of justice. He determined to fine the Rajah when his own patience, as he says, was exhausted, not when justice demanded the punishment. He resolved to fine him in the enormous sum of £500,000. Does he inform the council of this determination? No. The court of directors? No. Any one of his confidants? No, not one of them; not Mr. Palmer, not Mr. Middleton, nor any of that legion of secretaries that he had; nor did he even inform Mr. Malcolm of his intentions until he met him at Bauglepore.

In regard to the object of his malice, we only know that many letters came from Cheit Sing to Mr. Hastings, in which the unfortunate man endeavoured to appease his wrath, and to none of which he ever gave an answer. He is an accuser preferring a charge and receiving apologies, without giving the party an answer; although he had a crowd of secretaries about him, maintained at the expense of the miserable people of Benares, and paid by sums of money drawn fraudulently from their pockets. Still not one word of answer was given, till he had formed the resolution of exacting a fine, and had actually by torture made his victim's servant discover where his master's treasures lay, in order that he might rob him of all his family possessed. Are these the proceedings of a British judge; or are they not rather such as are described by Lord Coke—(and these learned gentlemen, I dare say, will remember the passage; it is too striking not to be remembered) as "*the damned and damnable proceedings of a judge in hell.*" Such a judge has the prisoner at your bar proved himself to be. First, he determines upon the punishment, than he prepares the accusation, and then by torture and violence endeavours to extort the fine.

My lords, I must again beg leave to call your attention to his mode of proceeding in this business. He never entered any charge. He never answered any letter. Not that he was idle. He was carrying on a wicked and clandestine

plot for the destruction of the Rajah, under the pretence of this fine; although the plot was not known, I verily believe, to any European at the time. He does not pretend that he told any one of the Company's servants of his intentions of fining the Rajah, but that some hostile project against him had been formed by Mr. Hastings was perfectly well known to the natives. Mr. Hastings tells you that Cheit Sing had a vakeel at Calcutta, whose business it was to learn the general transactions of our government, and the most minute particulars which could, in any manner, affect the interest of his employer.

I must here tell your lordships, that there is no court in Asia, from the highest to the lowest, no petty sovereign, that does not both employ and receive what they call hircarrahs, or in other words, persons to collect and to communicate political intelligence. These men are received with the state and in the rank of ambassadors; they have their place in the Durbar, and their business as authorized spies is as well known there as that of ambassadors extraordinary and ordinary in the courts of Europe. Mr. Hastings had a public spy in the person of the resident, at Benares, and he had a private spy there in another person. The spies employed by the native powers had, by some means, come to the knowledge of Mr. Hastings's clandestine and wicked intentions towards this unhappy man, Cheit Sing, and his unhappy country, and of his designs for the destruction and the utter ruin of both. He has himself told you, and he has got Mr. Anderson to vouch it, that he had received proposals for the sale of this miserable man and his country. And from whom did he receive these proposals, my lords? Why, from the Nabob, Azoph ul Dowlah, to whom he threatened to transfer both the person of the Rajah and his zemindary if he did not redeem himself by some pecuniary sacrifice. Now Azoph ul Dowlah, as appears by the minutes on your lordships' table, was at that time a bankrupt. He was in debt to the Company tenfold more than he could pay, and all his revenues were sequestered for that debt. He was a person of the last degree of indolence, with the last degree of rapacity. A man, of whom Mr. Hastings declared, that he had wasted and destroyed by his misgovernment the fairest provinces upon earth; that not a person in his dominions was secure

from his violence, and that even his own father could not enjoy his life and honour in safety under him. This avaricious bankrupt tyrant, who had beggared and destroyed his own subjects, and could not pay his debts to the English government, was the man with whom Mr. Hastings was in treaty to deliver up Cheit Sing and his country, under pretence of his not having paid regularly to the Company those customary payments, which the tyrant would probably have never paid at all, if he had been put in possession of the country. This I mention to illustrate Mr. Hastings's plans of economy and finance, without considering the injustice and cruelty of delivering up a man to the hereditary enemy of his family.

It is known, my lords, that Mr. Hastings, besides having received proposals for delivering up the beautiful country of Benares, that garden of God, as it is styled in India, to that monster, that rapacious tyrant, Azoph ul Dowlah, who, with his gang of mercenary troops, had desolated his own country like a swarm of locusts,—had purposed, likewise, to seize Cheit Sing's own patrimonial forts, which was nothing less than to take from him the residence of his women and his children, the seat of his honour, the place in which the remaining treasures and last hopes of his family were centered. By the Gentoo law, every lord or supreme magistrate is bound to construct and to live in such a fort. It is the usage of India, and is a matter of state and dignity, as well as of propriety, reason, and defence. It was probably an apprehension of being injured in this tender point, as well as a knowledge of the proposal made by the Nabob, which induced Cheit Sing to offer to buy himself off; although it does not appear from any part of the evidence that he assigned any other reason than that of Mr. Hastings intending to exact from him six lacks of rupees over and above his other exactions.

Mr. Hastings indeed almost acknowledges the existence of this plot against the Rajah, and his being the author of it. He says, without any denial of the fact, that the Rajah suspected some strong acts to be intended against him, and therefore asked Mr. Markham whether he could not buy them off, and obtain Mr. Hastings's favour by the payment of £200,000. Mr. Markham gave, as his opinion, that

£200,000 was not sufficient; and the next day the Rajah offered £20,000 more, in all £220,000. The negotiation, however, broke off; and why? Not, as Mr. Markham says he conjectured, because the Rajah had learned that Mr. Hastings had no longer an intention of imposing these six lacks, or something to that effect, and therefore retracted his offer; but because that offer had been rejected by Mr. Hastings.

Let us hear what reason the man who was in the true secret gives for not accepting the Rajah's offer. "I rejected," says Mr. Hastings, "the offer of twenty lacks, with which the Rajah would have compromised for his guilt when it was too late." My lords, he best knows what the motives of his own actions were. He says, the offer was made "when it was too late." Had he previously told the Rajah what sum of money he would be required to pay, in order to buy himself off; or had he requested him to name any sum which he was willing to pay? Did he, after having refused the offer made by the Rajah, say, Come, and make me a better offer, or upon such a day I shall declare that your offers are inadmissible? No such thing appears. Your lordships will further remark, that Mr. Hastings refused the £200,000 at a time when the exigencies of the Company were so pressing, that he was obliged to rob, pilfer, and steal upon every side; at a time when he was borrowing £40,000 from Mr. Sullivan in one morning, and raising by other under jobs £27,000 more. In the distress which his own extravagance and prodigality had involved him, £200,000 would have been a weighty benefit, although derived from his villany; but this relief he positively refused, because, says he, the offer came too late. From these words, my lords, we may infer, that there was a time when the offer would not have been "too late;"—a period at which it would have been readily accepted. No such thing appears. There is not a trace upon your minutes, not a trace in the correspondence of the Company, to prove that the Rajah would at any time have been permitted to buy himself off from this complicated tyranny.

I have already stated a curious circumstance in this proceeding, to which I must again beg leave to direct your lordships' attention. Does it anywhere appear in that correspondence, or in the testimony of Mr. Benn, of Mr. Markham, or of any human being, that Mr. Hastings had ever told

Cheit Sing with what sum he should be satisfied? There is evidence before you directly in proof that they did not know the amount. Not one person knew what his intention was when he refused this £200,000. For when he met Mr. Markham at Bauglepore, and for the first time mentioned the sum of £500,000 as the fine he meant to exact, Mr. Markham was astonished and confounded at its magnitude. He tells you this himself. It appears, then, that neither Cheit Sing nor the resident at Benares (who ought to have been in the secret, if upon such an occasion secrecy is allowable) ever knew what the terms were. The Rajah was in the dark; he was left to feel, blindfold, how much money could relieve him from the iniquitous intentions of Mr. Hastings; and at last he is told that his offer comes too late, without having ever been told the period at which it would have been well timed, or the amount it was proposed to take from him. Is this, my lords, the proper way to adjudge a fine?

Your lordships will now be pleased to advert to the manner in which he defends himself and these proceedings. He says, "I rejected this offer of twenty lacks, with which the Rajah would have compromised for his guilt when it was too late." If by these words he means too late to answer the purpose for which he has said the fine was designed, namely, the relief of the Company, the ground of his defence is absolutely false, for it is notorious that at the time referred to the Company's affairs were in the greatest distress.

I will next call your lordships' attention to the projected sale of Benares to the Nabob of Oude. "If," says Mr. Hastings, "I ever talked of selling the Company's sovereignty over Benares to the Nabob of Oude, it was but *in terrorem;* and no subsequent act of mine warrants the supposition of my having seriously intended it." And in another place he says, "If I ever threatened."—Your lordships will remark, that he puts hypothetically a matter, the reality of which he has got to be solemnly declared on an affidavit, and in a narrative to the truth of which he has deposed upon oath. "If I ever threatened," says he, "to dispossess the Rajah of his territories, it is no more than what my predecessors (without rebuke from their superiors, or notice taken of the expression) had wished and intended to have done to

his father, even when the Company had no pretensions to the sovereignty of the country. It is no more than such a legal act of sovereignty as his behaviour justified, and as I was justified in by the intentions of my predecessors. If I pretended to seize upon his forts, it was in full conviction that a dependent on the Company, guaranteed, maintained, and protected in his country by the Company's arms, had no occasion for forts; had no right to them, and could hold them for no other than suspected and rebellious purposes. None of the Company's other zemindars are permitted to maintain them; and even our ally, the Nabob of the Carnatic, has the Company's troops in all his garrisons. Policy and public safety absolutely require it. What state could exist, that allowed its inferior members to hold forts and garrisons independent of the superior administration? It is a solecism in government to suppose it."

Here then, my lords, he first declares that this was merely done *in terrorem;* that he never intended to execute the abominable act. And will your lordships patiently endure that such terrific threats as these shall be hung, by your Governor in India, over the unhappy people that are subject to him, and protected by British faith? Will you permit that, for the purpose of extorting money, a Governor shall hold out the terrible threat of delivering a tributary prince and his people, bound hand and foot, into the power of their perfidious enemies?

The terror occasioned by threatening to take from him his forts can only be estimated by considering that, agreeably to the religion and prejudices of Hindoos, the forts are the places in which their women are lodged; in which, according to their notions, their honour is deposited, and in which is lodged all the wealth that they can save against an evil day, to purchase off the vengeance of an enemy. These forts, Mr. Hastings says, he intended to take, because the Rajah could hold them for no other than rebellious and suspected purposes. Now I will show your lordships, that the man who has the horrible audacity to make this declaration did himself assign to the Rajah these very forts. He put him in possession of them; and when there was a dispute about the Nabob's rights to them on the one side, and the Company's on the other, did confirm them to this man. The paper shall

be produced, that you may have before your eyes the gross contradictions into which his rapacity and acts of arbitrary power have betrayed him. Thank God, my lords, men that are greatly guilty are never wise. I repeat it, men that are greatly guilty are never wise. In their defence of one crime they are sure to meet the ghost of some former defence, which, like the spectre in Virgil, drives them back. The prisoner at your bar, like the hero of the poet, when he attempts to make his escape by one evasion, is stopped by the appearance of some former contradictory averment. If he attempts to escape by one door, there his criminal allegations of one kind stop him; if he attempts to escape at another, the facts and allegations intended for some other wicked purpose stare him full in the face.

> Quacunque viam sibi fraude petivit
> Successum Dea dira negat.

The paper I hold in my hand contains Nundcomar's accusation of Mr. Hastings. It consists of a variety of charges; and I will first read to you what is said by Nundcomar of these forts, which it is pretended could be held for none but suspicious and rebellious purposes.

"At the time Mr. Hastings was going to Benares, he desired me to give him an account in writing of any lands which, though properly belonging to the Subah of Bahar, might have come under the dominion of Bulwant Sing, that they might be recovered from his son Rajah Cheit Sing. The pergunnahs of Kera, Mungrora, and Bidjigur were exactly in this situation, having been usurped by Bulwant Sing from the Subah of Bahar. I accordingly delivered to Mr. Hastings the accounts of them from the entrance of the Company upon the dewanny to the year 1179 of the Fussel era, stated at twenty-four lacks. Mr. Hastings said, 'Give a copy of this to Roy Radha Churn, that if Cheit Sing is backward in acknowledging this claim, Radha Churn may answer and confute him.' Why Mr. Hastings when he arrived at Benares, and had called Rajah Cheit Sing before him, left these countries still in the Rajah's usurpations it remains with Mr. Hastings to explain."

This is Nundcomar's charge; here follows Mr. Hastings's reply: "I recollect an information given me by Nundcomar,

concerning the pretended usurpations made by the Rajah of Benares of the pergunnahs of Kera, Mungrora, and Bidjigur." Your lordships will recollect that Bidjigur is one of those very forts which he declares could not be held but for suspicious and rebellious purposes. "I do not recollect his mentioning it again, when I set out from Benares, neither did I ever intimate the subject either to Cheit Sing or his ministers, because I knew I could not support the claim: and to have made it and dropped it would have been in every sense dishonourable. Not that I passed by it with indifference or inattention. I took pains to investigate the foundation of this title, and recommended it to the particular inquiry of Mr. Vansittart, who was the chief of Patna, at the time in which I received the first intimation. The following letter and voucher, which I received from him, contain a complete statement of this pretended usurpation."

These vouchers will answer our purpose, fully to establish that in his opinion the claim of the English government upon those forts was at that time totally unfounded, and so absurd that he did not even dare to mention it. This fort of Bidjigur, the most considerable in the country, and of which we shall have much to say hereafter, is the place in which Cheit Sing had deposited his women and family. That fortress did Mr. Hastings himself give to this very man, deciding in his favour as a judge upon an examination, and after an inquiry: and yet he now declares that he had no right to it, and that he could not hold it but for wicked and rebellious purposes. But, my lords, when he changed this language, he had resolved to take away these forts,—to destroy them,—to root the Rajah out of every place of refuge—out of every secure place in which he could hide his head, or screen himself from the rancour, revenge, avarice, and malice of his ruthless foe. He was resolved to have them, although he had, upon the fullest conviction of the Rajah's right, given them to this very man, and put him into the absolute possession of them.

Again, my lords, did he, when Cheit Sing, in 1775, was put in possession by the potta of the Governor-General and council, which contains an enumeration of the names of all the places which were given up to him, and consequently of this among the rest,—did he, either before he put the ques-

tion in council upon that potta, or afterwards, tell the council they were going to put forts into the man's hands, to which he had no right, and which could be held only for rebellious and suspected purposes? We refer your lordships to the places in which all these transactions are mentioned, and you will there find Mr. Hastings took no one exception whatever against them; nor, till he was resolved upon the destruction of this unhappy man, did he ever so much as mention them. It was not till then that he discovers the possession of these forts by the Rajah to be a *solecism in government*.

After quoting the noble examples of Sujah Dowlah, and the other persons whom I have mentioned to you, he proceeds to say that some of his predecessors, without any pretensions to sovereign authority, endeavoured to get these forts into their possession; and "I was justified," says he, "by the intention of my predecessors." Merciful God! if anything can surpass what he has said before, it is this: my predecessors, without any title of sovereignty, without any right whatever, wished to get these forts into their power; I therefore have a right to do what they wished to do; and I am justified, not by the acts, but by the *intentions* of my predecessors. At the same time he knows that these predecessors had been reprobated by the Company for this part of their proceedings; he knew that he was sent there to introduce a better system, and to put an end to this state of rapacity. Still, whatever his predecessors *wished*, however unjust and violent it might be, when the sovereignty came into his hands, he maintains that he had a right to do all which they were desirous of accomplishing. Thus the enormities formerly practised, which the Company sent him to correct, became a sacred standard for his imitation.

Your lordships will observe that he slips in the word *sovereignty*, and forgets compact; because it is plain, and your lordships must perceive it, that wherever he uses the word sovereignty, he uses it to destroy the authority of all compacts; and accordingly in the passage now before us he declares that there is an invalidity in all compacts entered into in India, from the nature, state, and constitution of that empire. "From the disorderly form of its government," says he, "there is an invalidity in all compacts and treaties what-

ever." Persons who had no treaty with the Rajah wished, says he, to rob him: therefore I, who have a treaty with him, and call myself his sovereign, have a right to realize all their wishes.

But the fact is, my lords, that his predecessors never did propose to deprive Bulwant Sing, the father of Cheit Sing, of his zemindary. They, indeed, wished to have had the dewanny transferred to them in the manner it has since been transferred to the Company. They wished to receive his rents, and to be made an intermediate party between him and the Mogul emperor, his sovereign.—These predecessors had entered into no compact with the man; they were negotiating with his sovereign for the transfer of the dewanny or stewardship of the country, which transfer was afterwards actually executed; but they were obliged to give the country itself back again to Bulwant Sing, with a guarantee against all the pretensions of Sujah Dowlah, who had tyrannically assumed an arbitrary power over it. This power the predecessors of Mr. Hastings might also have wished to assume: and he may therefore say, according to the mode of reasoning which he has adopted, whatever they wished to do, but never succeeded in doing, I may and ought to do of my own will. Whatever fine Sujah Dowlah would have exacted I will exact. I will penetrate into that tiger's bosom, and discover the latent seeds of rapacity and injustice which lurk there, and I will make him the subject of my imitation.

These are the principles upon which, without accuser, without judge, without inquiry, he resolved to lay a fine of £500,000 on Cheit Sing!

In order to bind himself to a strict fulfilment of this resolution he has laid down another very extraordinary doctrine. He has laid it down as a sort of canon (in injustice and corruption), that whatever demand, whether just or unjust, a man declares his intention of making upon another, he should exact the precise sum which he has determined upon, and that if he takes anything less, it is a proof of corruption. "I have," says he, "shown by this testimony, that I never intended to make any communication to Cheit Sing, of taking less than the fifty lacks, which in my own mind I had resolved to exact." And he adds, "I shall make my last and solemn appeal to the breast of every man who shall read this,

whether it is likely, or morally possible, that I should have tied down my own future conduct to so decided a process and series of acts, if I had secretly intended to threaten, or to use a degree of violence, for no other purpose than to draw from the object of it a mercenary atonement for my own private emolument, and suffer all this tumult to terminate in an ostensible and unsubstantial submission to the authority which I represented."

He had just before said, "If I ever talked of selling the Company's sovereignty to the Nabob of Oude, it was only *in terrorem*." In the face of this assertion, he here gives you to understand he never held out anything *in terrorem*, but what he intended to execute. But we will show you that in fact he had reserved to himself a power of acting *pro re natâ*: and that he intended to compound or not, just as answered his purposes upon this occasion. "I admit," he says, "that I did not enter it" (the intention of fining Cheit Sing) "on the consultations, because it was not necessary; even this plan itself of the fine was not a fixed plan, but to be regulated by circumstances, both as to the substantial execution of it and the mode." Now here is a man who has given it in a sworn narrative that he did not intend to have a farthing less. Why? "Because I should have menaced and done as in former times has been done; made great and violent demands which I reduced afterwards for my own corrupt purposes." Yet he tells you in the course of the same defence, but in another paper, that he had no fixed plan, that he did not know whether he should exact a fine at all, or what should be his mode of executing it.

My lords, what shall we say to this man, who declares that it would be a proof of corruption not to exact the full sum which he had threatened to exact, but who finding that this doctrine would press hard upon him, and be considered as a proof of cruelty and injustice, turns round and declares he had no intention of exacting anything? What shall we say to a man who thus reserves his determination, who threatens to sell a tributary prince to a tyrant, and cannot decide whether he should take from him his forts, and pillage him of all he had; whether he should raise £500,000 upon him, whether he should accept the £220,000 offered (which by the way we never knew of till long after the whole trans-

action), whether he should do any or all of those things, and then by his own account going up to Benares, without having resolved anything upon this important subject?

My lords, I will now assume the hypothesis that he at last discovered sufficient proof of rebellious practices; still even this gave him no right to adduce such rebellion in justification of resolutions which he had taken, of acts which he had done, before he knew anything of its existence. To such a plea we answer, and your lordships will every one of you answer, you shall not by a subsequent discovery of rebellious practices, which you did not know at the time, and which you did not even believe, as you have expressly told us here, justify your conduct prior to that discovery.

If the conspiracy which he falsely imputes to Cheit Sing, if that wild scheme of driving the English out of India had existed, think in what miserable circumstances we stand as prosecutors and your lordships as judges, if we admit a discovery to be pleaded in justification of antecedent acts, founded upon the assumed existence of that which he had no sort of proof, knowledge, or belief of!

My lords, we shall now proceed to another circumstance, not less culpable in itself, though less shocking to your feelings, than those to which I have already called your attention; a circumstance which throws a strong presumption of guilt upon every part of the prisoner's conduct. Having formed all these infernal plots in his mind, but uncertain which of them he should execute, uncertain what sums of money he should extort, whether he should deliver up the Rajah to his enemy, or pillage his forts; he goes up to Benares; but he first delegates to himself all the powers of government, both civil and military, in the countries which he was going to visit.

My lords, we have asserted in our charge, that this delegation and division of power was illegal. He invested *himself* with this authority; for *he* was the majority in the council. Mr. Wheler's consent or dissent signifying nothing. He gave himself powers which the act of parliament did not give him. He went up to Benares with an illegal commission, civil and military; and to prove this I shall beg leave to read the provisions of the act of parliament. I shall show what the creature ought to be, by showing the law of the creator:

what the legislature of Great Britain meant that Governor Hastings should be, not what he made himself.

[Mr. Burke then read the seventh section of the act.]

Now we do deny that there is by this act given, or that under this act there can be given, to the government of India a power of dividing its unity into two parts, each of which shall separately be a unity, and possess the power given to the whole. Yet, my lords, an agreement was made between him and Mr. Wheler that he (Mr. Hastings) should have every power civil and military, in the upper provinces, and that Mr. Wheler should enjoy equal authority in the lower ones.

Now, to show you that it is impossible for such an agreement to be legal, we must refer you to the constitution of the Company's government. The whole power is vested in the council, where all questions are to be decided by a majority of voices, and the members are directed to record in the minutes of their proceedings not only the questions decided, but the grounds upon which each individual member founds his vote. Now although the council is competent to delegate its authority for any *specific* purpose to any servant of the Company, yet to admit that it can delegate its authority *generally*, without reserving the means of deliberation and control, would be to change the whole constitution. By such a proceeding the government may be divided into a number of independent governments, without a common deliberative council and control. This deliberative capacity, which is so strictly guarded by the obligation of recording its consultations, would be totally annihilated if the council divided itself into independent parts, each acting according to its own discretion. There is no similar instance in law, there is no similar instance in policy. The conduct of these men implies a direct contradiction, and you will see, by the agreement they made to support each other, that they were themselves conscious of the illegality of this proceeding.

After Mr. Hastings had conferred absolute power upon himself during his stay in the upper provinces, by an order of council (of which council he was himself a majority) he entered the following minute in the consultations: "The Governor-General delivers in the following minute. In my minute which I laid before the court on the 21st of May, I

expressed the satisfaction with which I could at this juncture leave the presidency, from the mutual confidence which was happily established between Mr. Wheler and me. I now readily repeat that sentiment, and observe with pleasure that Mr. Wheler confirms it. Before my departure, it is probable that we shall in concert have provided at the board for almost every important circumstance that can eventually happen during my absence; but if any should occur for which no previous provision shall have been made in the resolutions of the board, Mr. Wheler may act with immediate decision and with the fullest confidence of my support in all such emergencies, as well as in conducting the ordinary business of the presidency, and in general in all matters of this government, excepting those which may specially or generally be entrusted to me. Mr. Wheler during my absence may consider himself as possessed of the full powers of the Governor-General and council of this government, as in effect he is by the constitution; and he may be assured that so far as my sanction and concurrence shall be or be deemed necessary to the confirmation of his measures, he shall receive them."

Now here is a compact of iniquity between these two duumvirs. They each give to the other the full, complete, and perfect powers of the government, and, in order to secure themselves against any obstacles that might arise, they mutually engage to ratify each other's acts; and they say, this is not illegal, because Lord Cornwallis has had such a deputation. I must first beg leave to observe, that no man can justify himself in doing any illegal act by its having been done by another; much less can he justify his own illegal act by pleading an act of the same kind done subsequently to his act; because the latter may have been done in consequence of his bad example. Men justify their acts in two ways, by law and by precedent; the former asserts the right, the latter presumes it from the example of others. But can any man justify an act, because ten or a dozen years after another man has done the same thing? Good Heavens! was there ever such a doctrine before heard? Suppose Lord Cornwallis to have done wrong; suppose him to have acted illegally; does that clear the prisoner at your bar? No; on the contrary, it aggravates his offence, because he has afforded others an example of corrupt and illegal conduct. But if even Lord

Cornwallis had preceded, instead of following him, the example would not have furnished a justification. There is no resemblance in the cases. Lord Cornwallis does not hold his government by the act of 1773, but by a special act made afterwards; and therefore to attempt to justify acts done under one form of appointment by acts done under another form is to the last degree wild and absurd.

Lord Cornwallis was going to conduct a war of great magnitude, and was consequently trusted with extraordinary powers. He went in the two characters of governor and commander-in-chief, and yet the legislature was sensible of the doubtful validity of a governor-general's carrying with him the whole powers of the council. But Mr. Hastings was not commander-in-chief, when he assumed the whole military as well as civil power. Lord Cornwallis, as I have just said, was not only commander-in-chief, but was going to a great war, where he might have occasion to treat with the country powers in a civil capacity; and yet so doubtful was the legislature upon this point, that they passed a special act to confirm that delegation, and to give him a power of acting under it.

My lords, we do further contend, that Mr. Hastings had no right to assume the character of commander-in-chief; for he was no military man, nor was he appointed by the Company to that trust. His assumption of the military authority was a gross usurpation. It was an authority to which he would have had no right if the whole powers of government were vested in him, and he had carried his council with him on his horse. If, I say, Mr. Hastings had his council on his crupper, he could neither have given those powers to himself, nor made a partition of them with Mr. Wheler. Could Lord Cornwallis, for instance, who carried with him the power of commander-in-chief, and authority to conclude treaties with all the native powers,—could he, I ask, have left a council behind him in Calcutta with equal powers, who might have concluded treaties in direct contradiction to those in which he was engaged? Clearly he could not: therefore I contend that this partition of power, which supposes an integral authority in each councillor, is a monster that cannot exist. This the parties themselves felt so strongly, that they were obliged to have recourse to a stratagem scarcely less absurd

than their divided assumption of power. They entered into a compact to confirm each other's acts, and to support each other in whatever they did; thus attempting to give their separate acts a legal form.

I have further to remark to your lordships, what has just been suggested to me, that it was for the express purpose of legalizing Lord Cornwallis's delegation that he was made commander-in-chief as well as governor-general by the act.

The next plea urged by Mr. Hastings is conveniency. "It was *convenient*," he says, "for me to do this." I answer, no person acting with delegated power can delegate that power to another. *Delegatus non potest delegare*, is a maxim of law; much less has he a right to supersede the law and the principle of his own delegation and appointment, upon any idea of convenience. But what was the conveniency? There was no one professed object connected with Mr. Hastings's going up to Benares, which might not as well have been attained in Calcutta. The only difference would have been, that, in the latter case, he must have entered some part of his proceedings upon the consultations, whether he wished it or not. If he had a mind to negotiate with the vizier, he had a resident at his court, and the vizier had a resident in Calcutta. The most solemn treaties had often been made without any governor-general carrying up a delegation of civil and military power. If it had been his object to break treaties, he might have broken them at Calcutta, as he broke the treaty of Chunar. Is there an article in that treaty that he might not as well have made at Calcutta? Is there an article that he broke (for he broke them all), that he could not have broken at Calcutta? So that whether pledging or breaking the faith of the Company, he might have done both or either without ever stirring from the presidency.

I can conceive a necessity so urgent as to supersede all laws; but I have no conception of a necessity that can require two governors-general, each forming separately a *supreme* council. Nay, to bring the point home to him,—if he had a mind to make Cheit Sing to pay a fine, as he called it, he could have made him do that at Calcutta, as well as at Benares. He had before contrived to make him pay all the extra demands that were imposed upon him; and he well knew that he could send Colonel Camac, or somebody else,

to Benares, with a body of troops to enforce the payment. Why then did he go to try experiments there in his own person? For this plain reason;—that he might be enabled to put such sums in his own pocket as he thought fit. It was not and could not be for any other purpose; and I defy the wit of man to find out any other.

He says, my lords, that Cheit Sing might have resisted, and that if he had not been there, the Rajah might have fled with his money, or raised a rebellion for the purpose of avoiding payment. Why then, we ask, did he not send an army? We ask, whether Mr. Markham, with an army under the command of Colonel Popham, or Mr. Fowke, or any other resident, was not much more likely to exact a great sum of money than Mr. Hastings without an army? My lords, the answer must be in the affirmative; it is therefore evident that no necessity could exist for his presence, and that his presence and conduct occasioned his being defeated in this matter.

We find this man armed with an illegal commission, undertaking an enterprise which he has since said was perilous; which proved to be perilous, and in which, as he has told us himself, the existence of the British empire in India was involved. The talisman (your lordships will remember his use of the word), that charm which kept all India in order, which kept mighty and warlike nations under the government of a few Englishmen, would, I verily believe, have been broken for ever, if he, or any other governor-general, good or bad, had been killed. Infinite mischiefs would have followed such an event. The situation in which he placed himself by his own misconduct was pregnant with danger; and he put himself in the way of that danger, without having any armed force worth mentioning, although he has acknowledged that Cheit Sing had then an immense force. In fact, the demand of two thousand cavalry proves that he considered the Rajah's army to be formidable; yet, notwithstanding this, with four companies of sepoys, poorly armed and ill-provisioned, he went to invade that fine country, and to force from its sovereign a sum of money, the payment of which he had reason to think would be resisted. He thus rashly hazarded his own being, and the being of all his people.

But, says he, "I did not imagine the Rajah intended to go into rebellion, and therefore went unarmed." Why then was

his presence necessary? why did he not send an order from Calcutta for the payment of the money? But what did he do when he got there? "I was alarmed," says he, "for the Rajah surrounded my budgerow with two thousand men—that indicated a hostile disposition." Well, if he did so, what precaution did Mr. Hastings take for his own safety? Why none, my lords, none; he must therefore have been either a madman, a fool, or a determined declarer of falsehood. Either he thought there was no danger, and therefore no occasion for providing against it, or he was the worst of governors; the most culpably improvident of his personal safety, of the lives of his officers and men, and of his country's honour.

The demand of £500,000 was a thing likely to irritate the Rajah and to create resistance. In fact he confesses this. Mr. Markham and he had a discourse upon that subject, and agreed to arrest the Rajah, because they thought the enforcing this demand might drive him to his forts, and excite a rebellion in the country. He therefore knew there was danger to be apprehended from this act of violence; and yet, knowing this, he sent one unarmed resident to give the orders, and four unarmed companies of sepoys to support him. He provokes the people; he goads them with every kind of insult, added to every kind of injury, and then rushes into the very jaws of danger, provoking a formidable foe by the display of a puny, insignificant force.

In expectation of danger, he seized the person of the Rajah, and he pretends that the Rajah suffered no disgrace from his arrest. But, my lords, we have proved what was stated by the Rajah, and was well known to Mr. Hastings, that to imprison a person of elevated station, in that country, is to subject him to the highest dishonour and disgrace; and would make the person so imprisoned utterly unfit to execute the functions of government ever after.

I have now to state to your lordships a transaction which is worse than his wantonly playing with the safety of the Company, worse than his exacting sums of money by fraud and violence. My lords, the history of this transaction must be prefaced by describing to your lordships the duty and privileges attached to the office of *naib*. A naib is an officer well known in India, as the administrator of the affairs of any government, whenever the authority of the regular holder is

suspended. But although the naib acts only as a deputy, yet, when the power of the principal is totally superseded, as by imprisonment or otherwise, and that of the naib is substituted, he becomes the actual sovereign, and the principal is reduced to a mere pensioner. I am now to show your lordships whom Mr. Hastings appointed as naib to the government of the country, after he had imprisoned the Rajah.

Cheit Sing had given him to understand through Mr. Markham, that he was aware of the design of suspending him, and of placing his government in the hands of a naib whom he greatly dreaded. This person was called Oossaun Sing; he was a remote relation of the family, and an object of their peculiar suspicion and terror. The moment Cheit Sing was arrested, he found that his prophetic soul spoke truly; for Mr. Hastings actually appointed this very man to be his master. And who was this man? We are told by Mr. Markham, in his evidence here, that he was a man who had dishonoured his family; he was the disgrace of his house; that he was a person who could not be trusted; and Mr. Hastings, in giving Mr. Markham full power afterwards to appoint naibs, expressly excepted this Oossaun Sing from all trust whatever, as a person totally unworthy of it. Yet this Oossaun Sing, the disgrace and calamity of his family, an incestuous adulterer, and a supposed issue of a guilty connection, was declared naib. Yes, my lords, this degraded, this wicked, and flagitious character, the Rajah's avowed enemy, was, in order to heighten the Rajah's disgrace, to embitter his ruin, to make destruction itself dishonourable as well as destructive, appointed this naib. Thus when Mr. Hastings had imprisoned the Rajah in the face of his subjects, and in the face of all India, without fixing any term for the duration of his imprisonment, he delivered up the country to a man whom he knew to be utterly undeserving; a man whom he kept in view for the purpose of frightening the Rajah, and whom he was obliged to depose on account of his misconduct, almost as soon as he had named him, and to exclude specially from all kind of trust. We have heard of much tyranny, avarice, and insult in the world, but such an instance of tyranny, avarice, and insult combined has never before been exhibited.

We are now come to the last scene of this flagitious trans-

action. When Mr. Hastings imprisoned the Rajah, he did not renew his demand for the £500,000; but he exhibited a regular charge of various pretended delinquencies against him, digested into heads, and he called on him, in a dilatory, irregular way of proceeding, for an answer. The man, under every difficulty and every distress, gave an answer to every particular of the charge, as exact and punctilious as could have been made to articles of impeachment in this House.

I must here request your lordships to consider the order of these proceedings. Mr. Hastings, having determined upon the utter ruin and destruction of this unfortunate prince, endeavoured by the arrest of his person, by a contemptuous disregard to his submissive applications, by the appointment of a deputy who was personally odious to him, and by the terror of still greater insults,—he endeavoured, I say, to goad him on to the commission of some acts of resistance, sufficient to give a colour of justice to that last dreadful extremity to which he had resolved to carry his malignant rapacity. Failing in this wicked project, and studiously avoiding the declaration of any terms upon which the Rajah might redeem himself from these violent proceedings, he next declared his intention of seizing his forts, the depository of his victim's honour, and of the means of his subsistence. He required him to deliver up his accounts and accountants, together with all persons who were acquainted with the particulars of his effects and treasures, for the purpose of transferring those effects to such persons as he (Mr. Hastings) chose to nominate.

It was at this crisis of aggravated insult and brutality that the indignation which these proceedings had occasioned, in the breasts of the Rajah's subjects burst out into an open flame. The Rajah had retired to the last refuge of the afflicted, to offer up prayers to his God and our God, when a vile chubdar or tipstaff came to interrupt and insult him. His alarmed and loyal subjects felt for a beloved sovereign that deep interest which we should all feel if our sovereign were so treated. What man with a spark of loyalty in his breast,—what man regardful of the honour of his country, when he saw his sovereign imprisoned, and so notorious a wretch appointed his deputy, could be a patient witness of such wrongs? The subjects of this unfortunate prince did

what we should have done; what all who love their country, who love their liberty, who love their laws, who love their property, who love their sovereign, would have done on such an occasion. They looked upon him as their sovereign, although degraded. They were unacquainted with any authority superior to his, and the phantom of tyranny which performed these oppressive acts was unaccompanied by that force which justifies submission, by affording the plea of necessity. An unseen tyrant and four miserable companies of sepoys executed all the horrible things that we have mentioned. The spirit of the Rajah's subjects was roused by their wrongs, and encouraged by the contemptible weakness of their oppressors. The whole country rose up in rebellion, and surely in justifiable rebellion. Every writer on the law of nations,—every man that has written, thought, or felt upon the affairs of government, must write, know, think, and feel, that a people so cruelly scourged and oppressed, both in the person of their chief and in their own persons, were justified in their resistance. They were roused to vengeance, and a short but most bloody war followed.

We charge the prisoner at your bar with all the consequences of this war. We charge him with the murder of our sepoys, whom he sent unarmed to such a dangerous enterprise. We charge him with the blood of every man that was shed in that place; and we call him, as we have called him, a tyrant, an oppressor, and a murderer. We call him murderer in the largest and fullest sense of the word; because he was the cause of the murder of our English officers and sepoys, whom he kept unarmed and unacquainted with the danger to which they would be exposed by the violence of his transactions. He sacrificed to his own nefarious views every one of those lives, as well as the lives of the innocent natives of Benares, whom he designedly drove to resistance by the weakness of the force opposed to them, after inciting them, by tyranny and insult, to that display of affection towards their sovereign which is the duty of all good subjects.

My lords, these are the iniquities which we have charged upon the prisoner at your bar; and I will next call your lordships' attention to the manner in which these iniquities have been pretended to be justified. You will perceive a great difference in the manner in which this prisoner is tried,

and of which he so much complains, and the manner in which he dealt with the unfortunate object of his oppression. The latter thus openly appeals to his accuser: "You are," says he, "upon the spot. It is happy for me that you are so. You can now inquire into my conduct." Did Mr. Hastings so inquire? No, my lords, we have not a word of any inquiry; he even found fresh matter of charge in the answer of the Rajah; although if there is any fault in this answer, it is its extremely humble and submissive tone. If there was anything faulty in his manner, it was his extreme humility and submission. It is plain he would have almost submitted to anything. He offered, in fact, £220,000 to redeem himself from greater suffering. Surely no man going into rebellion would offer £220,000 of the treasure which would be so essential to his success; nor would any government that was really apprehensive of rebellion call upon the suspected person to arm and discipline two thousand horse. My lords, it is evident no such apprehensions were entertained; nor was any such charge made until punishment had commenced. A vague accusation was then brought forward, which was answered by a clear and a natural defence, denying some parts of the charge, evading and apologizing for others, and desiring the whole to be inquired into. To this request the answer of the Governor-General was, That won't do, you shall have no inquiries. And why? Because I have arbitrary power, you have no rights, and I can and will punish you without inquiry. I admit that if his will is the law, he may take the charge before punishment, or the punishment before the charge, or he may punish without making any charge. If his will is the law, all I have been saying amounts to nothing. But I have endeavoured to let your lordships see, that in no country upon the earth is the will of a despot law. It may produce wicked, flagitious, tyrannical acts, but in no country is it law.

The duty of a sovereign in cases of rebellion, as laid down in the Hedaia, agrees with the general practice in India. It was usual, except in cases of notorious injustice and oppression, whenever a rebellion or a suspicion of a rebellion existed, to admonish the rebellious party and persuade him to return to his duty. Causes of complaint were removed and misunderstandings explained, and, to save the effusion of

blood, severe measures were not adopted until they were rendered indispensable. This wise and provident law is or ought to be the law in all countries; it was, in fact, the law in that country, but Mr. Hastings did not attend to it. His unfortunate victim was goaded to revolt and driven from his subjects, although he endeavoured by message after message to reconcile this cruel tyrant to him. He is told in reply, You have shed the blood of Englishmen, and I will never be reconciled to you. Your lordships will observe, that the reason he gives for such an infernal determination (for it cannot be justly qualified by any other word) is of a nature to make tyranny the very foundation of our government. I do not say here upon what occasion people may or may not resist: but surely, if ever there was an occasion on which people, from love to their sovereign and regard to their country, might take up arms, it was this. They saw a tyrant violent in his demands, and weak in his power. They saw their prince imprisoned and insulted, after he had made every offer of submission, and had laid his turban three times in the lap of his oppressor. They saw him, instead of availing himself of the means he possessed of cutting off his adversary (for the life of Mr. Hastings was entirely in his power), betaking himself to flight. They then thronged round him, took up arms in his defence, and shed the blood of some of his insulters. Is this resistance, so excited, so provoked, a plea for irreconcilable vengeance?

I must beg pardon for having omitted to lay before your lordships, in its proper place, a most extraordinary paper, which will show you in what manner judicial inquiries are conducted, upon what grounds charges are made, by what sort of evidence they are supported, and, in short, to what perils the lives and fortunes of men are subjected in that country. This paper is in the printed minutes, page 1608. It was given in agreeably to retrograde order which they have established in their judicial proceedings. It was produced to prove the truth of a charge of rebellion, which was made some months before the paper in evidence was known to the accuser.

"To the Honourable Warren Hastings. Sir,—About the month of November last, I communicated to Mr. Markham the substance of a conversation said to have passed between

Rajah Cheit Sing and Saadut Ally, and which was reported to me by a person in whom I had some confidence. The mode of communicating this intelligence to you I left entirely to Mr. Markhan. In this conversation, which was private, the Rajah and Saadut Ally were said to have talked of Hyder Ally's victory over Colonel Baillie's detachment; to have agreed that they ought to seize this opportunity of consulting their own interest, and to have determined to watch the success of Hyder's arms. Some days after this conversation was said to have happened, I was informed by the same person, that the Rajah had received a message from one of the begums at Fyzabad (I think it was from Sujah ul Dowlah's widow), advising him not to comply with the demands of government, and encouraging him to expect support in case of his resisting. This also, I believe, I communicated to Mr. Markham, but, not being perfectly certain, I now think it my duty to remove the possibility of your remaining unacquainted with a circumstance which may not be unconnected with the present conduct of the Rajah."

Here then is evidence of evidence given to Mr. Markham by Mr. Balfour, from Lucknow, in the month of November, 1781, long after the transaction at Benares. But what was this evidence? I communicate, he says, the subject of "a conversation said to have passed." Observe, *said*, not a conversation that had passed to his knowledge or recollection, but what his informant said had passed. He adds, this conversation was reported to him by a person whom he won't name, but in whom, he says, he had some confidence. This anonymous person, in whom he had put some confidence, was not himself present at the conversation. He only reports to him, that it was *said* by somebody else that such a conversation had taken place. This conversation, which somebody told Colonel Balfour he had heard was said by somebody to have taken place, if true, related to matters of great importance; still the mode of its communication was left to Mr. Markham, and that gentleman did not bring it forward till some months after. Colonel Balfour proceeds to say: "Some days after this conversation was said to have happened" (your lordships will observe, it is always, 'was said to have happened'), "I was informed by the same person that the Rajah had received a message from one of the be-

gums at Fyzabad (I think it was from Sujah ul Dowlah's widow), advising him not to comply with the demands of government, and encouraging him to expect support in case of his resisting." He next adds, "this also I believe" (observe, he says he is not quite sure of it) "I communicated to Mr. Markham, but, not being perfectly certain" (of a matter the immediate knowledge of which, if true, was of the highest importance to his country), "I now think it my duty to remove the possibility of your remaining unacquainted with a circumstance which may not be unconnected with the present conduct of the Rajah."

Here is a man that comes with information long after the fact deposed to, and after having left to another the communication of his intelligence to the proper authority, that other neglects the matter. No letter of Mr. Markham's appears, communicating any such conversation to Mr. Hastings: and indeed why he did not do so must appear very obvious to your lordships, for a more contemptible, ridiculous, and absurd story never was invented. Does Mr. Balfour come forward and tell him who his informant was? No. Does he say, he was an informant whom I dare not name, upon account of his great consequence and the great confidence I had in him? No. He only says, slightly, "I have some confidence in him." It is upon this evidence of a reporter of what another is *said* to have *said*, that Mr. Hastings and his council rely for proof, and have thought proper to charge the Rajah with having conceived rebellious designs, soon after the time when Mr. Hastings had declared his belief that no such designs had been formed.

Mr. Hastings has done with his charge of rebellion what he did with his declaration of arbitrary power; after he had vomited it up in one place, he returns to it in another. He here declares (after he had recorded his belief that no rebellion was ever intended) that Mr. Markham was in possession of information which he might have believed, if it had been communicated to him. Good Heavens! When you review all these circumstances, and consider the principles upon which this man was tried and punished, what must you think of the miserable situation of persons of the highest rank in that country, under the government of men who are disposed to disgrace and ruin them in this iniquitous manner!

Mr. Balfour is in Europe, I believe. How comes it that he is not produced here to tell your lordships who was his informer, and what he knows of the transaction? They have not produced him, but have thought fit to rely upon this miserable, beggarly semblance of evidence, the very production of which was a crime, when brought forward for the purpose of giving colour to acts of injustice and oppression. If you ask, who is this Mr. Balfour? He is a person who was a military collector of revenue in the province of Rohil Cund; a country now ruined and desolated, but once the garden of the world. It was from the depth of that horrible devastating system that he gave this ridiculous, contemptible evidence, which if it can be equalled, I shall admit that there is not, one word we have said that you ought to attend to.

Your lordships are now enabled to sum up the amount and estimate the result of all this iniquity. The Rajah himself is punished, he is ruined and undone, but the £500,000 is not gained. He has fled his country, but he carried his treasures with him. His forts are taken possession of, but there was nothing found in them. It is the report of the country, and is so stated by Mr. Hastings, that he carried away with him, in gold and silver, to the value of about £400,000: and thus that sum was totally lost, even as an object of plunder, to the Company. The author of the mischief lost his favourite object by his cruelty and violence. If Mr. Hastings had listened to Cheit Sing at first; if he had answered his letters, and dealt civilly with him; if he had endeavoured afterwards to compromise matters; if he had *told* him what his demands were; if, even after the rebellion had broken out, he had demanded and exacted a fine; the Company would have gained £220,000 at least, and perhaps a much larger sum, without difficulty. They would not then have had £400,000 carried out of the country by a tributary chief, to become, as we know that sum has become, the plunder of the Mahrattas and our other enemies. I state to you the account of the profit and loss of tyranny; take it as an account of profit and loss: forget the morality, forget the law, forget the policy; take it, I say, as a matter of profit and loss. Mr. Hastings lost the subsidy; Mr. Hastings lost the £220,000 which was offered him, and more that

he might have got. Mr. Hastings lost it all, and the Company lost the £400,000 which he meant to exact. It was carried from the British dominions, to enrich its enemies for ever.

This man, my lords, has not only acted thus vindictively himself, but he has avowed the principle of revenge as a general rule of policy connected with the security of the British government in India. He has dared to declare, that if a native once draws his sword he is not to be pardoned; that you never are to forgive any man who has killed an English soldier. You are to be implacable and resentful; and there is no maxim of tyrants which, upon account of the supposed weakness of your government, you are not to pursue. Was this the conduct of the Mogul conquerors of India? and must this *necessarily* be the policy of their Christian successors? I pledge myself, if called upon, to prove the contrary. I pledge myself to produce, in the history if the Mogul empire, a series of pardons and amnesties for rebellions, from its earliest establishments, and in its most distant provinces.

I need not state to your lordships what you know to be the true principles of British policy in matters of this nature. When there has been provocation, you ought to be ready to listen to terms of reconciliation, even after war has been made. This you ought to do, to show that you are placable; such policy as this would doubtless be of the greatest benefit and advantage to you. Look to the case of Sujah Dowlah; you had, in the cause of a war with him, driven him from his country; you had not left him in possession of a foot of earth in the world. The Mogul was his sovereign, and, by his authority, it was in your power to dispose of the vizierate and of every office of state which Sujah Dowlah held under the emperor; for he hated him mortally, and was desirous of dispossessing him of everything. What did you do? Though he had shed much English blood, you re-established him in all his power; you gave him more than he before possessed, and you had no reason to repent your generosity. Your magnanimity and justice proved to be the best policy, and was the subject of admiration from one end of India to the other. But Mr. Hastings had other maxims and other principles. You are weak, he says, and therefore

you ought never to forgive. Indeed, Mr. Hastings never does forgive. The Rajah was weak, and he persecuted him; Mr. Hastings was weak, and he lost his prey. He went up the country with the rapacity, but not with the talons and beak, of a vulture. He went to look for plunder, but he was himself plundered, the country was ravaged, and the prey escaped.

After the escape of Cheit Sing, there still existed in one corner of the country some further food for Mr. Hastings's rapacity. There was a place called Bidjigur, one of those forts which Mr. Hastings declared could not be safely left in the possession of the Rajah; measures were therefore taken to obtain possession of this place, soon after the flight of its unfortunate proprietor. And what did he find in it? A great and powerful garrison? No, my lords; he found in it the wives and family of the Rajah; he found it inhabited by two hundred women, and defended by a garrison of eunuchs and a few feeble militia men. This fortress was supposed by him to contain some money, which he hoped to lay hold of, when all other means of rapacity had escaped him. He first sends (and you have it on your minutes) a most cruel, most atrocious, and most insulting message to these unfortunate women; one of whom, a principal personage of the family, we find him in the subsequent negotiation scandalizing in one minute, and declaring to be a women of respectable character in the next; treating her by turns as a prostitute and as an amiable woman, as best suited the purposes of the hour. This woman, with two hundred of her sex, he found in Bidjigur. Whatever money they had was their own property, and as such Cheit Sing, who had visited the place before his flight, had left it for their support, thinking that it would be secure to them as their property, because they were persons wholly void of guilt, as they must needs have been. This money the Rajah might have carried off with him; but he left it them, and we must presume that it was their property; and no attempt was ever made by Mr. Hastings to prove otherwise. They had no other property that could be found. It was the only means of subsistence for themselves, their children, their domestics, and dependants, and for the whole female part of that once illustrious and next to royal family.

But to proceed. A detachment of soldiers was sent to seize the forts; soldiers are habitually men of some generosity; even when they are acting in a bad cause they do not wholly lose the military spirit. But Mr. Hastings, fearing that they might not be animated with the same lust of plunder as himself, stimulated them to demand the plunder of the place; and expresses his hopes that no composition would be made with these women, and that not one shilling of the booty would be allowed them. He does not trust to their acting as soldiers who have their fortunes to make, but he stimulates and urges them not to give way to the generous passions and feelings of men.

He thus writes from Benares, the 22nd of October, 1781, ten o'clock in the morning—"I am this instant favoured with yours of yesterday; mine to you of the same date has before this time acquainted you with my resolutions and sentiments respecting the Raunee. I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or any negotiation with her, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to retire without examination; but this is your consideration, and not mine. I should be sorry that your officers and soldiers lost any part of the reward to which they are so well entitled, but I cannot make any objection, as you must be the best judge of the expediency of the promised indulgence to the Raunee. What you have engaged for I will certainly ratify; but as to permitting the Raunee to hold the pergunnah of Kurteck, or any other in the zemindary, without being subject to the authority of the zemindar; or any lands whatever, or indeed making any conditions with her for a provision; I will never consent to it."

My lords, you have seen the principles upon which this man justifies his conduct. Here his real nature, character, and disposition break out. These women had been guilty of no rebellion. He never charged them with any crime but that of having wealth: and yet you see with what ferocity he pursues everything that belonged to the destined object of his cruel, inhuman, and more than tragic revenge. If,

says he, you have made an agreement with them, and will insist upon it, I will keep it; but if you have not, I beseech you not to make any. Do n't give them anything; suffer no stipulations whatever of a provision for them. The capitulation I will ratify, provided it contains no article of future provision for them: this he positively forbad; so that his bloodthirsty vengeance would have sent out these two hundred innocent women to starve naked in the world.

But he not only declares that the money found in the fort is the soldiers'; he adds, that he should be sorry if they lost a shilling of it. So that you have here a man not only declaring that the money was theirs, directly contrary to the Company's positive orders upon other similar occasions, and after he had himself declared that prize-money was poison to soldiers; but directly inciting them to insist upon their right to it.

A month had been allowed by proclamation for the submission of all persons who had been in rebellion, which submission was to entitle them to indemnity. But, my lords, he endeavoured to break the public faith with these women, by inciting the soldiers to make no capitulation with them, and thus depriving them of the benefit of the proclamation, by preventing their voluntary surrender.

[Mr. Burke here read the proclamation.]

From the date of this proclamation it appears that the surrender of the fort was clearly within the time given to those who had been guilty of the most atrocious acts of rebellion to repair to their homes and enjoy an indemnity. These women had never quitted their homes, nor had they been charged with rebellion, and yet they were cruelly excluded from the general indemnity; and after the army had taken unconditional possession of the fort, they were turned out of it, and ordered to the quarters of the commanding officer, Major Popham. This officer had received from Mr. Hastings a power to rob them, a power to plunder them, a power to distribute the plunder, but no power to give them any allowance, nor any authority even to receive them.

In this disgraceful affair the soldiers showed a generosity which Mr. Hastings neither showed nor would have suffered, if he could have prevented it. They agreed amongst themselves to give to these women three lacks of rupees, and some

trifle more; and the rest was divided as a prey among the army. The sum found in the fort was about £238,000, not the smallest part of which was in any way proved to be Cheit Sing's property, or the property of any person but the unfortunate women who were found in the possession of it.

The plunder of the fort being thus given to the soldiers, what does Mr. Hastings next do? He is astonished and stupified to find so much unprofitable violence; so much tyranny and so little pecuniary advantage; so much bloodshed without any profit to the Company. He therefore breaks his faith with the soldiers; declares that, having no right to the money, they must refund it to the Company; and, on their refusal, he instituted a suit against them. With respect to the three lacks of rupees, or £30,000, which was to be given to these women, have we a scrap of paper to prove its payment? Is there a single receipt or voucher to verify their having received one sixpence of it? I am rather inclined to think that they did receive it, or some part of it, but I do n't know a greater crime in public officers than to have no kind of vouchers for the disposal of any large sums of money which pass through their hands; but this, my lords, is the great vice of Mr. Hastings's government.

I have briefly taken notice of the claim which Mr. Hastings thought proper to make, on the part of the Company, to the treasure found in the fort of Bidjigur, after he had instigated the army to claim it as the right of the captors. Your lordships will not be at a loss to account for this strange and barefaced inconsistency. This excellent Governor foresaw that he would have a bad account of this business to give to the contractors in Leadenhall Street, who consider laws, religion, morality, and the principles of state policy of empires as mere questions of profit and loss. Finding that he had dismal accounts to give of great sums expended without any returns, he had recourse to the only expedient that was left him. He had broken his faith with the ladies in the fort, by not suffering his officers to grant them that indemnity which his proclamation offered. Then, finding that the soldiers had taken him at his word, and appropriated the treasure to their own use, he next broke his faith with them. A constant breach of faith is a maxim with him. He claims the treasure for the Company, and institutes a suit before Sir

Elijah Impey, who gives the money to the Company, and not to the soldiers. The soldiers appeal; and since the beginning of this trial, I believe even very lately, it has been decided by the council that the letter of Mr. Hastings was not, as Sir Elijah Impey pretended, a mere private letter, because it had "Dear Sir" in it; but a public order, authorizing the soldiers to divide the money among themselves.

Thus £200,000 was distributed among the soldiers; £400,000 was taken away by Cheit Sing, to be pillaged by all the Company's enemies through whose countries he passed; and so ended one of the great sources from which this great financier intended to supply the exigencies of the Company, and recruit their exhausted finances.

By this proceeding, my lords, the national honour is disgraced; all the rules of justice are violated, and every sanction, human and divine, trampled upon. We have, on one side, a country ruined, a noble family destroyed, a rebellion raised by outrage and quelled by bloodshed, the national faith pledged to indemnity, and that indemnity faithlessly withheld from helpless, defenceless women; while the other side of the picture is equally unfavourable. The East India Company have had their treasure wasted, their credit weakened, their honour polluted, and their troops employed against their own subjects, when their services were required against foreign enemies.

My lords, it only remains for me, at this time, to make a few observations upon some proceedings of the prisoner, respecting the revenue of Benares. I must first state to your lordships, that in the year 1780 he made a demand upon that country, which, by his own account, if it had been complied with, would only have left £23,000 a year for the maintenance of the Rajah and his family. I wish to have this account read, for the purpose of verifying the observations which I shall have to make to your lordships.

[Here the account was read.]

I must now observe to your lordships, that Mr. Markham and Mr. Hastings have stated the Rajah's net revenue at forty-six lacks; but the accounts before you state it at forty lacks only. Mr. Hastings had himself declared that he did not think the country could safely yield more, and that any attempt to extract more would be ruinous.

Your lordships will observe, that the first of these estimates is unaccompanied with any document whatever, and that it is contradicted by the papers of receipt and the articles of account, from all of which it appears that the country never yielded more than forty lacks during the time that Mr. Hastings had it in his possession; and you may be sure he squeezed as much out of it as he could. He had his own residents; first Mr. Markham, then Mr. Fowke, then Mr. Grant; they all went up with a design to make the most of it. They endeavoured to do so; but they never could screw it up to more than forty lacks, by all the violent means which they employed. The ordinary subsidy, as paid at Calcutta by the Rajah, amounted to twenty-two lacks; and it is therefore clearly proved by this paper that Mr. Hastings's demand of fifty lacks (£500,000), joined to the subsidies, was more than the whole revenue which the country could yield. What hoarded treasures the Rajah possessed, and which Mr. Hastings says he carried off with him, does not appear. That it was any considerable sum, is more than Mr. Hastings knows, more than can be proved, more than is probable. He had not, in his precipitate flight, any means, I think, of carrying away a great sum. It further appears from these accounts that, after the payment of the subsidy, there would only have been left £18,000 a year for the support of the Rajah's family and establishments.

Your lordships have now a standard, not a visionary one, but a standard verified by accurate calculation and authentic accounts. You may now fairly estimate the avarice and rapacity of this man, who describes countries to be enormously rich, in order that he may be justified in pillaging them. But however insatiable the prisoner's avarice may be, he has other objects in view, other passions rankling in his heart, besides the lust of money. He was not ignorant, and we have proved it by his own confession, that his pretended expectation of benefit to the Company could not be realized; but he well knew that by enforcing his demands he should utterly and effectually ruin a man whom he mortally hated and abhorred; a man who could not, by any sacrifices offered to the avarice, avert the cruelty of his implacable enemy.

As long as truth remains, as long as figures stand, as long

as two and two are four, as long as there is mathematical and arithmetical demonstration, so long shall his cruelty, rage, ravage, and oppression remain evident to an astonished posterity. I shall undertake, my lords, when this court meets again, to develope the consequences of this wicked proceeding. I shall then show you, that that part of the Rajah's family which he left behind him, and which Mr. Hastings pretended to take under his protection, was also ruined, undone, and destroyed; and that the once beautiful country of Benares, which he has had the impudence to represent as being still in a prosperous condition, was left by him in such a state as would move pity in any tyrant in the world, except the one who now stands before you.

TRIAL.

TUESDAY, 3RD JUNE, 1794.

THIRD DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—We are called, with an awful voice, to come forth, and make good our charge against the prisoner at your bar; but as a long time has elapsed since your lordships heard that charge, I shall take the liberty of requesting my worthy fellow-manager near me to read that part to your lordships which I am just now going to observe upon, that you may be the better able to apply my observations to the letter of the charge.

[Mr. Wyndham reads.]

"That the said Warren Hastings, having as aforesaid expelled the said Cheit Sing from his dominions, did, of his own usurped authority, and without any communication with, or any approbation given by, the other members of the council, nominate and appoint Rajah Mehipnerain to the government of the provinces of Benares, and did appoint his father

Durbedgy Sing as administrator of his authority, and did give to the British resident, Mr. Markham, a controlling authority over both; and did further abrogate and set aside all treaties and agreements which subsisted between the states of Benares and the British nation; and did arbitrarily and tyrannically, of his mere authority, raise the tribute to the sum of £400,000 sterling, or thereabouts; did further wantonly and illegally impose certain oppressive duties upon goods and merchandise, to the great injury of trade and ruin of the province; and did further dispose of, as his own, the property within the said provinces, by granting the same, or parts thereof, in pensions to such persons as he thought fit.

"That the said Warren Hastings did, some time in the year 1782, enter into a clandestine correspondence with William Markham, Esq., the then resident at Benares, which said Markham had been by him the said Warren Hastings obtruded into the said office, contrary to the positive orders of the court of directors; and in consequence of the representation of the said Markham did, under pretence that the new excessive rent or tribute was in arrear, and that the affairs of the province were likely to fall into confusion, authorize and empower him, by his own private authority, to remove the said Durbedgy Sing from his office, and deprive him of his estate.

"That the said Durbedgy Sing was, by the private orders and authorities given by the said Warren Hastings, and in consequence of the representations aforesaid, violently thrown into prison, and cruelly confined therein, under the pretence of the non-payment of the arrears of the tribute aforesaid.

"That the widow of Bulwant Sing and the Rajah Mehipnerain did pointedly accuse the said Markham of being the sole cause of any delay in the payment of the tribute aforesaid, and did offer to prove the innocence of the said Durbedgy Sing, and also to prove that the faults ascribed to him were solely the faults of the said Markham; yet the said Warren Hastings did pay no regard whatever to the said representations, nor make any inquiry into the truth of the same, but did accuse the said widow of Bulwant Sing and Rajah aforesaid of gross presumption for the same; and listening to the representation of the person accused (namely, the resident Markham), did continue to confine the said Dur-

bedgy Sing in prison, and did invest the resident Markham with authority to bestow his office upon whomsoever he pleased.

"That the said Markham did bestow the said office of administrator of the province of Benares upon a person named Jagger Deo Sing, who, in order to gratify the arbitrary demands of the said Warren Hastings, was obliged greatly to distress and harass the unfortunate inhabitants of the said province.

"That the said Warren Hastings did, sometimes in the year 1784, remove the said Jagger Deo Sing from the said office, under pretence of certain irregularities and oppressions, which irregularities and oppressions are solely imputable to him, the said Warren Hastings.

"That the consequence of all these violent changes and arbitrary acts was the total ruin and desolation of the country and the flight of the inhabitants; the said Warren Hastings having found every place abandoned at his approach, even by the officers of the very government which he established; and seeing nothing but traces of devastation in every village, the province in effect without a government; the administration misconducted, the people oppressed, the trade discouraged, and the revenue in danger of a rapid decline.

"All which destruction, devastation, oppression, and ruin are solely imputable to the above-mentioned and other arbitrary, illegal, unjust, and tyrannical acts of him, the said Warren Hastings, who, by all and every one of the same, was and is guilty of high crimes and misdemeanours."

[Mr. Burke proceeded.]

My lords, you have heard the charge; and you are now going to see the prisoner at your bar in a new point of view. I will now endeavour to display him in his character of a legislator in a foreign land not augmenting the territory, honour, and power of Great Britain, and bringing the acquisition under the dominion of law and liberty, but desolating a flourishing country, that to all intents and purposes was our own;—a country which we had conquered from freedom, from tranquillity, order, and prosperity, and submitted, through him, to arbitrary power, misrule, anarchy, and ruin. We now see the object of his corrupt vengeance utterly destroyed, his family

driven from their home, his people butchered, his wife and all the females of his family robbed and dishonoured in their persons, and the effects which husband and parents had laid up in store for the subsistence of their families, all the savings of provident economy, distributed amongst a rapacious soldiery. His malice is victorious. He has well avenged, in the destruction of this unfortunate family, the Rajah's intended visit to General Clavering; he has well avenged the suspected discovery of his bribe to Mr. Francis. "Thou hast it now, King, Cawdor, Glamis, all."

Let us see, my lords, what use he makes of this power; how he justifies the bounty of fortune bestowing on him this strange and anomalous conquest. Anomalous I call it, my lords, because it was the result of no plan in the cabinet, no operation in the field. No act or direction proceeded from him the responsible chief, except the merciless orders and the grant to the soldiery. He lay skulking and trembling in the fort of Chunar, while the British soldiery entitled themselves to the plunder which he held out to them. Nevertheless, my lords, he conquers; the country is his own; he treats it as his own. Let us therefore see how this successor of Tamerlane, this emulator of Ghinges Khân, governs a country conquered by the talents and courage of others, without assistance, guide, direction, or counsel given by himself.

My lords, I will introduce his first act to your lordships' notice, in the words of the charge. "The said Warren Hastings did, some time in the year 1782, enter into a clandestine correspondence with William Markham, Esq., the then resident at Benares, which said Markham had been by him, the said Warren Hastings, obtruded into the said office, contrary to the positive orders of the court of directors." This unjustifiable obtrusion, this illegal appointment, shows you, at the very outset, that he defies the laws of his country; most positively and pointedly defies them. In attempting to give a reason for this defiance, he has chosen to tell a branch of the legislature, from which originated the act which wisely and prudently ordered him to pay implicit obedience to the court of directors, that he removed Mr. Fowke from Benares, contrary to the orders of the court, on political grounds; "because," says he, "I thought it necessary the resident there should be a man of my own nomination and confidence. I avow

the principle, and think no government can subsist without it. The punishment of the Rajah made no part of my design in Mr. Fowke's removal or Mr. Markham's appointment, nor was his punishment an object of my contemplation at the time I removed Mr. Fowke to appoint Mr. Markham; an appointment of my own choice, and a signal to notify the restoration of my own authority, as I had before removed Mr. Fowke and appointed Mr. Graham for the same purpose."

Here, my lords, he does not even pretend that he had any view whatever in this appointment of Mr. Markham, but to defy the laws of his country. "I must," says he, "have a man of my own nomination, because it is a signal to notify the restoration of my own authority, as I had before removed Mr. Fowke for the same purpose."

I must beg your lordships to keep in mind, that the greater part of the observations with which I shall trouble you have a reference to the *principles* upon which this man acts; and I beseech you to remember always that you have before you a question and an issue of law. I beseech you to consider what it is that you are disposing of; that you are not merely disposing of this man and his cause, but that you are disposing of the laws of your country.

You, my lords, have made, and we have made, an act of parliament in which the council at Calcutta is vested with a special power, distinctly limited and defined. He says, my authority is absolute. I defy the orders of the court of directors, because it is necessary for me to show that I can disregard them, as a signal of my own authority. He supposes his authority gone while he obeys the laws; but, says he, the moment I got rid of the bonds and barriers of the laws (as if there had been some act of violence and usurpation that had deprived him of his rightful powers), I was restored to my own authority. What is this authority to which he is restored? Not an authority vested in him by the East India Company; not an authority sanctioned by the laws of this kingdom. It is neither of these, but the authority of Warren Hastings; an inherent divine right, I suppose, which he has thought proper to claim as belonging to himself; something independent of the laws; something independent of the court of directors; something independent of his brethren of the council. It is "my own authority."

And what is the signal by which you are to know when this authority is restored? By his obedience to the court of directors? by his attention to the laws of his country? by his regard to the rights of the people? No, my lords, no; the notification of the restoration of this authority is a formal disobedience of the orders of the court of directors. When you find the laws of the land trampled upon, and their appointed authority despised, then you may be sure that the authority of the prisoner is reëstablished.

There is, my lords, always a close connexion between vices of every description. The man who is a tyrant would, under some other circumstances, be a rebel; and he that is a rebel would become a tyrant. They are things which originally proceed from the same source. They owe their birth to the wild, unbridled lewdness of arbitrary power. They arise from a contempt of public order, and of the laws and institutions which curb mankind. They arise from a harsh, cruel, and ferocious disposition, impatient of the rules of law, order, and morality: and accordingly, as their relation varies, the man is a tyrant if a superior, a rebel if an inferior. But this man, standing in a middle point between the two relations, the superior and inferior, declares himself at once both a rebel and a tyrant. We therefore naturally expect, that when he has thrown off the laws of his country he will throw off all other authority. Accordingly, in defiance of that authority to which he owes his situation, he nominates Mr. Markham to the residency at Benares, and therefore every act of Mr. Markham is his. He is responsible,—doubly responsible to what he would have been if in the ordinary course of office he had named this agent.

Every governor is responsible for the misdemeanours committed under his legal authority for which he does not punish the delinquent; but the prisoner is doubly responsible in this case, because he assumed an illegal authority, which can be justified only, if at all, by the good resulting from the assumption.

Having now chosen his principal instrument, and his confidential and sole counsellor, having the country entirely in his hand, and every obstacle that could impede his course swept out the arena, what does he do under these auspicious circumstances? You would imagine, that, in the first place,

he would have sent down to the council at Calcutta a general view of his proceedings, and of their consequences, together with a complete statement of the revenue; that he would have recommended the fittest persons for public trusts, with such other measures as he might judge to be most essential to the interest and honour of his employers. One would have imagined he would have done this, in order that the council and the court of directors might have a clear view of the whole existing system, before he attempted to make a permanent arrangement for the administration of the country. But, on the contrary, the whole of his proceedings is clandestinely conducted; there is not the slightest communication with the council upon the business, till he had determined and settled the whole. Thus the council was placed in a complete dilemma, either to confirm all his wicked and arbitrary acts, for such we have proved them to be, or to derange the whole administration of the country again, and to make another revolution, as complete and dreadful as that which he had made.

The task which the Governor-General had imposed upon himself was, I admit, a difficult one; but those who pull down important ancient establishments, who wantonly destroy modes of administration and public institutions under which a country has prospered, are the most mischievous, and therefore the wickedest, of men. It is not a reverse of fortune, it is not the fall of an individual, that we are here talking of. We are indeed sorry for Cheit Sing and Durbedgy Sing, as we should be sorry for any individual under similar circumstances.

It is wisely provided in the constitution of our heart that we should interest ourselves in the fate of great personages. They are, therefore, made everywhere the objects of tragedy, which addresses itself directly to our passions and our feelings. And why? Because men of great place, men of great rank, men of great hereditary authority, cannot fall without a horrible crash upon all about them. Such towers cannot tumble without ruining their dependent cottages.

The prosperity of a country that has been distressed by a revolution which has swept off its principal men cannot be reestablished without extreme difficulty. This man therefore, who wantonly and wickedly destroyed the existing

government of Benares was doubly bound to use all possible care and caution in supplying the loss of those institutions which he had destroyed, and of the men whom he had driven into exile. This, I say, he ought to have done. Let us now see what he really did do.

He set out by disposing of all the property of the country as if it was his own. He first confiscated the whole estates of the Baboos, the great nobility of the country, to the amount of six lacks of rupees. He then distributed the lands and revenue of the country according to his own pleasure; and as he had seized the lands without our knowing why or wherefore, so the portion which he took away from some persons he gave to others, in the same arbitrary manner, and without any assignable reason.

When we were inquiring what jaghires Mr. Hastings had thought proper to grant, we found, to our astonishment (though it is natural that his mind should take this turn), that he endowed several charities with jaghires. He gave a jaghire to some Brahmins, to pray for the perpetual prosperity of the Company, and others to procure the prayers of the same class of men for himself. I do not blame his Gentoo piety, when I find no Christian piety in the man; let him take refuge in any superstition he pleases. The crime we charge is, his having distributed the lands of others at his own pleasure. Whether this proceeded from piety, from ostentation, or from any other motive, it matters not. We contend that he ought not to have distributed such land at all; that he had no right to do so;—and consequently, the gift of a single acre of land, by his own private will, was an act of robbery, either from the public or some individual.

When he had thus disturbed the landed property of Benares, and distributed it according to his own will, he thought it would be proper to fix upon a person to govern the country; and of this person he himself made the choice. It does not appear that the people could have lost, even by the revolt of Cheit Sing, the right which was inherent in them, to be governed by the lawful successor of his family. We find, however, that this man, by his own authority, by the arbitrary exercise of his own will and fancy, did think proper to nominate a person to succeed the Rajah who had no legal claims to the succession. He made choice of a boy

about nineteen years old; and he says he made that choice upon the principle of this boy's being descended from Bulwant Sing, by the female line. But he does not pretend to say that he was the proper and natural heir to Cheit Sing; and we will show you the direct contrary. Indeed, he confesses the contrary himself; for he argues, in his defence, that when a new system was to be formed with the successor of Cheit Sing, who was not his heir, each successor had no claim of right.

But perhaps the want of right was supplied by the capacity and fitness of the person who was chosen. I do not say that this does or can for one moment supersede the positive right of another person; but it would palliate the injustice in some degree. Was there in this case any palliative matter? Who was the person chosen by Mr. Hastings to succeed Cheit Sing? My lords, the person chosen was a minor; for, we find, the prisoner at your bar immediately proceeded to appoint him a guardian. This guardian he also chose by his own will and pleasure, as he himself declares, without referring to any particular claim or usage; without calling the Pundits to instruct him, upon whom, by the Gentoo laws, the guardianship devolved.

I admit, that in selecting a guardian he did not in one respect act improperly, for he chose the boy's father, and he could not have chosen a better guardian for his person. But for the administration of his government, qualities were required which this man did not possess. He should have chosen a man of vigour, capacity, and diligence; a man fit to meet the great difficulties of the situation in which he was to be placed.

Mr. Hastings, my lords, plainly tells you that he did not think the man's talents to be extraordinary, and he soon afterwards says that he had a great many incapacities. He tells you that he has a doubt whether he was capable of realizing those hopes of revenue which he (Mr. Hastings) had formed. Nor can this be matter of wonder, when we consider that he had ruined and destroyed the ancient system, the whole scheme and tenour of public offices, and had substituted nothing for them but his own arbitrary will. He had formed a plan of an entire new system, in which the practical details had no reference to the experience and wis-

dom of past ages. He did not take the government as he found it; he did not take the system of offices as it was arranged to his hand: but he dared to make the wicked and flagitious experiment which I have stated; an experiment upon the happiness of a numerous people, whose property he had usurped and distributed in the manner which has been laid before your lordships. The attempt failed, and he is responsible for the consequences.

How dared he to make these experiments? In what manner can he be justified for playing fast and loose with the dearest interests, and perhaps with the very existence, of a nation? Attend to the manner in which he justifies himself, and you will find the whole secret let out. "The easy accumulation of too much wealth," he says, "had been Cheit Sing's ruin; it had buoyed him up with extravagant and ill-founded notions of independence, which I very much wished to discourage in the future Rajah. Some part, therefore, of the superabundant produce in the country I turned into the coffers of the sovereign by an augmentation of the tribute." Who authorized him to make any augmentation of the tribute? But above all, who authorized him to augment it upon this principle? I must take care the tributary prince does not grow too rich; if he gets rich, he will get proud. This prisoner has got a scale like that in the almanac, "war begets poverty, poverty peace," and so on. The first rule that he lays down is, that he will keep the new Rajah in a state of poverty; because if he grows rich he will become proud, and behave as Cheit Sing did. You see the ground, foundation, and spirit of the whole proceeding. Cheit Sing was to be robbed. Why? Because he is too rich. His successor is to be reduced to a miserable condition. Why? Lest he should grow rich and become troublesome. The whole of his system is to prevent men from growing rich, lest if they should grow rich they should grow proud, and seek independence. Your lordships see that in this man's opinion riches must beget pride. I hope your lordships will never be so poor as to cease to be proud; for ceasing to be proud, you will cease to be independent.

Having resolved that the Rajah should not grow rich, for fear he should grow proud and independent, he orders him to pay forty lacks of rupees, or £400,000, annually to the Com-

pany. The tribute had before been £250,000, and he all at once raised it to £400,000. Did he previously inform the council of these intentions? Did he inform them of the amount of the gross collections of the country, from any properly authenticated accounts procured from any public office?

I need not inform your lordships that it is a serious thing to draw out of a country, instead of £250,000, an annual tribute of £400,000. There were other persons besides the Rajah concerned in this enormous increase of revenue. The whole country is interested in its resources being fairly estimated and assessed; for if you overrate the revenue which it is supposed to yield to the great general collector, you necessitate him to overrate every under-collector, and thereby instigate them to harass and oppress the people. It is upon these grounds that we have charged the prisoner at your bar with having acted arbitrarily, illegally, unjustly, and tyrannically: and your lordships will bear in mind that these acts were done by his sole authority, which authority we have shown to have been illegally assumed.

My lords, before he took the important steps which I have just stated, he consulted no one but Mr. Markham, whom he placed over the new Rajah. The Rajah was only nineteen years old: but Mr. Markham undoubtedly had the advantage of him in this respect, for he was twenty-one. He had also the benefit of five months' experience of the country; an abundant experience to be sure, my lords, in a country where it is well known, from the peculiar character of its inhabitants, that a man cannot anywhere put his foot without placing it upon some trap or mine, until he is perfectly acquainted with its localities. Nevertheless, he puts the whole country and a prince of nineteen, as appears from the evidence, into the hands of Mr. Markham, a man of twenty-one. We have no doubt of Mr. Markham's capacity; but he could have no experience in the country over which he possessed a general controlling power. Under these circumstances, we surely shall not wonder if this young man fell into error. I do not like to treat harshly the errors into which a very young person may fall: but the man who employs him, and puts him into a situation for which he has neither capacity nor experience, is responsible for the consequences of such an appointment; and Mr. Hast-

ings is doubly responsible in this case, because he placed Mr. Markham as resident, merely to show that he defied the authority of the court of directors.

But, my lords, let us proceed. We find Mr. Hastings resolved to exact forty lacks from the country, although he had no proof that such a tribute could be fairly collected. He next assigns to this boy, the Rajah, emoluments amounting to about £60,000 a year. Let us now see upon what grounds he can justify the assignment of these emoluments. I can perceive none but such as are founded upon the opinion of its being necessary to the support of the Rajah's dignity. Now, when Mr. Markham, who is the sole ostensible actor in the management of the new Rajah, as he had been a witness to the deposition of the former, comes before you to give an account of what he thought of Cheit Sing, who appears to have properly supported the dignity of his situation, he tells you that about a lack or a lack and a half (£10,000 or £15,000) a year was as much as Cheit Sing could spend. And yet this young creature, settled in the same country, and who was to pay £400,000 a year, instead of £250,000, tribute to the Company, was authorized by Mr. Hastings to collect and reserve to his own use £60,000 out of the revenue. That is to say, he was to receive four times as much as was stated by Mr. Hastings, on Mr. Markham's evidence, to have been necessary to support him.

Your lordships tread upon corruption everywhere. Why was such a large revenue given to the young Rajah to support his dignity, when, as they say, Cheit Sing did not spend above a lack and half in support of his; though it is known he had great establishments to maintain; that he had erected considerable buildings, adorned with fine gardens; and, according to them, had made great preparations for war?

We must at length imagine that they knew the country could bear the impost imposed upon it. I ask, how did they know this? We have proved to you, by a paper presented here by Mr. Markham, that the net amount of the collections was about "£360,000." This is their own account, and was made up, as Mr. Markham says, by one of the clerks of Durbedgy Sing, together with his Persian moonshee (a very fine council to settle the revenues of the kingdom), in his private house. And with this account before them, they

have dared to impose upon the necks of that unhappy people a tribute of £400,000, together with an income for the Rajah of £60,000. These sums the naib Durbedgy Sing was bound to furnish, and left to get them as he could. Your lordships will observe, that I speak of the net proceeds of the collections. We have nothing to do with the gross amount. We are speaking of what came to the public treasury, which was no more than I have stated; and it was out of the public treasury that these payments were to be made, because there could be no other honest way of getting the money.

But let us now come to the main point, which is to ascertain what sums the country could really bear. Mr. Hastings maintains (whether in the speech of his counsel or otherwise, I do not recollect) that the revenue of the country was £400,000, that it constantly paid that sum, and flourished under the payment. In answer to this, I refer your lordships, first to Mr Markham's declaration, and the Wassil Baakee, which is in the page 1750 of the printed minutes. I next refer your lordships to Mr. Duncan's Reports, in page 2493. According to Mr. Duncan's public estimate of the revenue of Benares, the net collections of the very year we are speaking of, when Durbedgy Sing had the management, and when Mr. Markham, his Persian moonshee, and a clerk in his private house, made the estimates, without any documents, or with whatever documents, or God only knows, for nothing appears on the record of the transaction; the collections yielded in that year but £340,000, that is, £20,000 less than Mr. Markham's estimate. But take it which way you will, whether you take it at Mr. Markham's £360,000, or at Mr. Duncan's £340,000, your lordships will see, that, after reserving £60,000 for his own private expenses, the Rajah could not realize a sum nearly equal to the tribute demanded.

Your lordships have also in evidence before you an account of the produce of the country for, I believe, full five years after this period, from which it appears that it never realized the forty lacks, or anything like it. Yielding only thirty-seven and thirty-nine lacks, or thereabouts, which is £20,000 short of Mr Markham's estimate, and £160,000 short of Mr. Hastings's. On what data could the prisoner at your

bar have formed this estimate? Where were all the clerks and mutseddies, where were all the men of business in Benares, who could have given him complete information upon the subject? We do not find the trace of any of them; all our information is Mr. Markham's moonshee, and some clerk of Durbedgy Sing's employed in Mr. Markham's private counting-house, in estimating revenues of a country.

The disposable revenue was still further reduced by the jaghires which Mr. Hastings granted, but to what amount does not appear. He mentions the increase in the revenue, by the confiscation of the estates of the Baboos, who had been in rebellion. This he rates at six lacks. But we have inspected the accounts; we have examined them with that sedulous attention which belongs to that branch of the legislature that has the care of the public revenues, and we have not found one trace of this addition. Whether these confiscations were ever actually made, remains doubtful; but if they were made, the application or the receipt of the money they yielded does not appear in any account whatever. I leave your lordships to judge of this.

But it may be said, that Mr. Hastings might have been in an error. If he was in an error, my lords, his error continued an extraordinary length of time. The error itself was also extraordinary in a man of business; it was an error of account. If his confidential agent, Mr. Markham, had originally contributed to lead him into the error, he soon perceived it. He soon informed Mr. Hastings that his expectations were erroneous, and that he had overrated the country. What then are we to think of his persevering in this error? Mr. Hastings might have formed extravagant and wild expectations when he was going up the country to plunder; for we allow that avarice may often overcalculate the hoards that it is going to rob. If a thief is going to plunder a banker's shop, his avarice, when running the risk of his life, may lead him to imagine there is more money in the shop than there really is. But when this man was in possession of the country, how came he not to know and understand the condition of it better? In fact he was well acquainted with it, for he has declared it to be his opinion that forty lacks was an overrated calculation, and that the country could not continue to pay this tribute at the very time he was imposing

it. You have this admission in page 294 of the printed minutes; but in the very face of it he says, If the Rajah will exert himself, and continue for some years the regular payment, he will then grant him a remission. Thus the Rajah was told, what he well knew, that he was overrated, but that at some time or another he was to expect a remission. And what, my lords, was the condition upon which he was to obtain this promised indulgence? The punctual payment of that which Mr. Hastings declares he was not able to pay; and which he could not pay without ruining the country, betraying his own honour and character, and acting directly contrary to the duties of the station in which Mr. Hastings had placed him. Thus this unfortunate man was compelled to have recourse to the most rigorous exaction, that he might be enabled to satisfy the exorbitant demand which had been made upon him.

But let us suppose that the country was able to afford the sum at which it was assessed, and that nothing was required but vigour and activity in the Rajah. Did Mr. Hastings endeavour to make his strength equal to the task imposed on him? No; the direct contrary; in proportion as he augmented the burthens of this man, in just that proportion he took away his strength and power of supporting these burthens.

There was not one of the external marks of honour, which attended the government of Cheit Sing, that he did not take away from the new Rajah; and still, when this new man came to his new authority, deprived of all external marks of consequence, and degraded in the opinion of his subjects, he was to extort from his people an additional revenue, payable to the Company, of fifteen lacks of rupees more than was paid by the late Rajah, in all the plenitude of undivided authority. To increase this difficulty still more, the father and guardian of this inexperienced youth was a man who had no credit or reputation in the country. This circumstance alone was a sufficient drawback from the weight of his authority; but Mr. Hastings took care that he should be divested of it altogether; for, as our charge states, he placed him under the immediate direction of Mr. Markham; and consequently Mr. Markham was the governor of the country. Could a man, with a reduced, divided, contemptible authority,

venture to strike such bold and hardy strokes as would be efficient, without being oppressive? Could he, or any other man, thus bound and shackled, execute such vigorous and energetic measures as were necessary to realize such an enormous tribute as was imposed upon this unhappy country?

My lords, I must now call your attention to another circumstance, not mentioned in the charge, but connected with the appointment of the new Rajah, and of his naib, Durbedgy Sing, and demonstrative of the unjust and cruel treatment to which they were exposed. It appears, from a letter produced here by Mr. Markham (upon which kind of correspondence I shall take the liberty to remark hereafter), that the Rajah lived in perpetual apprehension of being removed, and that a person called Oossaun Sing was intended as his successor. Mr. Markham, in one part of his correspondence, tells you that the Rajah did not intend to hold the government any longer. Why? Upon a point of right, namely, that he did not possess it upon the same advantageous terms as Cheit Sing; but he tells you in another letter (and this is a much better key to the whole transaction), that he was in dread of that Oossaun Sing whom I have just mentioned. This man Mr. Hastings kept ready to terrify the Rajah; and you will, in the course of these transactions, see that there is not a man in India, of any consideration, against whom Mr. Hastings did not keep a kind of pretender, to keep him in continual awe. This Oossaun Sing, whom Mr. Hastings brought up with him to Benares, was dreaded by Cheit Sing, not less than by his successor. We find that he was at first nominated naib or acting governor of the country, but had never been put in actual possession of this high office, and Durbedgy Sing was appointed to it. Although Oossaun Sing was thus removed, he continued his pretensions, and constantly solicited the office. Thus the poor man appointed by Mr. Hastings, and actually in possession, was not only called upon to perform tasks beyond his strength, but was overawed by Mr. Markham, and terrified by Oossaun Sing (the mortal enemy of the family), who, like an accusing fiend, was continually at his post, and unceasingly reiterating his accusations. This Oossaun Sing was, as Mr. Markham tells you, one of the causes of the Rajah's continued dejection and despondency; but it does not appear that any of these cir-

cumstances were ever laid before the council; the whole passed between Mr. Hastings and Mr. Markham.

Mr. Hastings having by his arbitrary will thus disposed of the revenue and of the landed property of Benares, we will now trace his further proceedings and their effects. He found the country most flourishing in agriculture and in trade; but not satisfied with the experiment he had made upon the government, upon the revenues, upon the reigning family, and upon all the landed property, he resolved to make as bold and as novel an experiment upon the commercial interests of the country. Accordingly he entirely changed that part of the revenue system which affects trade and commerce, the life and soul of a state. Without any advice that we know of, except Mr. Markham's, he sat down to change in every point the whole commercial system of that country; and he effected the change upon the same arbitrary principles which he had before acted upon, namely, his own arbitrary will. We are told, indeed, that he consulted bankers and merchants; but when your lordships shall have learned what has happened from this experiment, you will easily see whether he did resort to proper sources of information or not. You will see, that the mischief which has happened has proceeded from the exercise of arbitrary power. Arbitrary power, my lords, is always a miserable creature. When a man once adopts it as the principle of his actions, no one dares to tell him a truth; no one dares to give him any information that is disagreeable to him; for all know that their life and fortune depend upon his caprice. Thus the man who lives in the exercise of arbitrary power condemns himself to eternal ignorance. Of this the prisoner at your bar affords us a striking example. This man, without advice, without assistance, and without resource, except in his own arbitrary power, stupidly ignorant in himself, and puffed up with the constant companion of ignorance, a blind presumption, alters the system of commercial imposts, and thereby ruined the whole trade of the country, leaving no one part of it undestroyed.

Let me now call your lordships' attention to his assumption of power, without one word of communication with the council at Calcutta, where the whole of these trading regulations might and ought to have been considered, and where

they could have been deliberately examined and determined upon. By this assumption, the council was placed in the situation which I have before described; it must either confirm his acts, or again undo everything which had been done. He had provided, not only against resistance, but almost against any inquiry into his wild projects. He had, by his opium contracts, put all vigilance asleep; and by his bullock and other contracts, he had secured a variety of concealed interests, both abroad and at home. He was sure of the ratification of his acts by the council, whenever he should please to inform them of his measures; and to his secret influence he trusted for impunity in his career of tyranny and oppression.

In bringing before you his arbitrary mode of imposing duties, I beg to remind your lordships, that when I examined Mr Markham, concerning the imposing of a duty of five per cent, instead of the former duty of two, I asked him, whether that five per cent was not laid on in such a manner as utterly to extinguish the trade; and whether it was not, in effect and substance, five times as much as had been paid before What was his answer? Why, that many plans which, when considered in the closet, look specious and plausible, will not hold when they come to be tried in practice, and that this plan was one of them. The additional duties, said he, have never since been exacted. But, my lords, the very attempt to exact them utterly ruined the trade of the country. They were imposed upon a visionary theory, formed in his own closet, and the result was exactly what might have been anticipated. Was it not an abominable thing in Mr. Hastings to withhold from the council the means of ascertaining the real operation of his taxes? He had no knowledge of trade himself; he cannot keep an account; he has no memory. In fact, we find him a man possessed of no one quality fit for any kind of business whatever. We find him pursuing his own visionary projects, without knowing anything of the nature or the circumstances under which the trade of the country was carried on. These projects might have looked very plausible; but when you come to examine the actual state of the trade, it is not merely a difference between five and two per cent., but it becomes a different mode of estimating the commodity, and it amounts to five times as

much as was paid before We bring this as an exemplification of this cursed mode of arbitrary proceeding, and to show you his total ignorance of the subject, and his total indifference about the event of the measure he was pursuing. When he began to perceive his blunders, he never took any means whatever to put the new regulations, which these blunders had made necessary, into execution, but he left all this mischievous project to rage in its full extent.

I have shown your lordships how he managed the private property of the country, how he managed the government, and how he managed the trade I am now to call your lordships' attention to some of the consequences which have resulted from the instances of management, or rather gross mismanagement, which have been brought before you Your lordships will recollect that none of these violent and arbitrary measures, either in their conception or in the progress of their execution, were officially made known to the council And you will observe, as we proved, that the same criminal concealment existed with respect to the fatal consequences of these acts

After the flight of Cheit Sing, the revenues were punctually paid by the naib Durbedgy Sing, month by month, kist by kist, until the month of July, and then, as the country had suffered some distress, the naib wished this kist or instalment to be thrown on the next month. You will ask, why he wished to burthen this month beyond the rest? I reply, the reason was obvious; the month of August is the last of the year, and he would at its expiration have the advantage of viewing the receipts of the whole year, and ascertaining the claim of the country to the remission of a part of the annual tribute which Mr. Hastings had promised, provided the instalments were paid regularly. It was well known to everybody that the country had suffered very considerably by the revolt, and by a drought which prevailed that year. The Rajah therefore expected to avail himself of Mr. Hastings's flattering promise, and to save by the delay the payment of one of the two kists. But mark the course that was taken; the two kists were at once demanded at the end of the year, and no remission of tribute was allowed. By the promise of remission, Mr Hastings tacitly acknowledged that the Rajah was overburthened; and he admits that the payment of the July kist was postponed at the Rajah's own desire. He must

have seen the Rajah's motive for desiring delay, and he ought to have taken care that this poor man should not be oppressed and ruined by this compliance with requests founded on such motives.

So passed the year 1781. No complaints of arrears in Durbedgy Sing's payments appear on record before the month of April, 1782; and I wish your lordships seriously to advert to the circumstances attending the evidence respecting these arrears, which has been produced for the first time by the prisoner in his defence here at your bar. This evidence does not appear in the Company's records; it does not appear in the book of the Benares correspondence; it does not appear in any documents to which the Commons could have access; it was unknown to the directors, unknown to the council; unknown to the residents, Mr. Markham's successors at Benares; unknown to the searching and inquisitive eye of the Commons of Great Britain. This important evidence was drawn out of Mr. Markham's pocket, in the presence of your lordships. It consists of a private correspondence which he carried on with Mr. Hastings, unknown to the council, after Durbedgy Sing had been appointed naib; after the new government had been established, after Mr. Hastings had quitted that province, and had apparently wholly abandoned it; and when there was no reason whatever why the correspondence should not be public. This private correspondence of Mr. Markham's, now produced for the first time, is full of the bitterest complaints against Durbedgy Sing. These clandestine complaints, these underhand means of accomplishing the ruin of a man, without the knowledge of his true and proper judges, we produce to your lordships as a heavy aggravation of our charge, and as a proof of a wicked conspiracy to destroy the man. For if there was any danger of his falling into arrears when the heavy accumulated kists came upon him, the council ought to have known that danger; they ought to have known every particular of these complaints; for Mr. Hastings had then carried into effect his own plans.

I ought to have particularly marked for your lordships' attention this second era of clandestine correspondence between Mr. Hastings and Mr. Markham. It commenced after Mr. Hastings had quitted Benares, and had nothing to do with it but as Governor-General: even after his extraordinary

and, as we contend, illegal power had completely expired, the same clandestine correspondence was carried on. He apparently considered Benares as his private property; and just as a man acts with his private steward about his private estate, so he acted with the resident at Benares. He receives from him and answers letters containing a series of complaints against Durbedgy Sing, which began in April, and continued to the month of November, without making any public communication of them. He never laid one word of this correspondence before the council until the 29th of November, and he had then completely settled the fate of this Durbedgy Sing.

This clandestine correspondence we charge against him as an act of rebellion; for he was bound to lay before the council the whole of his correspondence relative to the revenue, and all the other affairs of the country. We charge it not only as rebellion against the orders of the Company and the laws of the land, but as a wicked plot to destroy this man, by depriving him of any opportunity of defending himself before the council, his lawful judges. I wish to impress it strongly on your lordships' minds, that neither the complaints of Mr. Markham nor the exculpations of Durbedgy Sing were ever made known till Mr. Markham was examined in this hall.

The first intimation afforded the council of what had been going on at Benares, from April, 1782, at which time Mr. Markham says the complaints against Durbedgy Sing had risen to serious importance, was in a letter dated the 27th of November following. This letter was sent to the council from Nia Serai, in the Ganges, where Mr. Hastings had retired for the benefit of the air. During the whole time he was in Calcutta, it does not appear upon the records that he had ever held any communication with the council upon the subject. The letter is in the printed minutes, page 298, and is as follows: "The Governor-General—I desire the secretary to lay the accompanying letters from Mr. Markham before the board, and request that orders may be immediately sent to him concerning the subjects contained in them. It may be necessary to inform the board, that on repeated information from Mr. Markham, which indeed was confirmed to me beyond a doubt by other channels, and by private assurances

which I could trust, that the affairs of that province were likely to fall into the greatest confusion from the misconduct of Baboo Durbedgy Sing, whom I had appointed the naib; fearing the dangerous consequences of a delay, and being at too great a distance to consult the members of the board, who I knew could repose that confidence in my local knowledge as to admit of this occasional exercise of my own separate authority, I wrote to Mr. Markham the letter to which he alludes, dated the 29th of September last, of which I now lay before the board a copy. The first of the accompanying letters from Mr. Markham arrived at a time when a severe return of my late illness obliged me, by the advice of my physicians, to leave Calcutta for the benefit of the country air, and prevented me from bringing it earlier before the notice of the board."

I have to remark upon this part of the letter, that he claims for himself an exercise of his own authority. He had now no delegation, and therefore no claim to separate authority. He was only a member of the board, obliged to do everything according to the decision of the majority, and yet he speaks of his own separate authority; and after complimenting himself, he requests its confirmation. The complaints of Mr. Markham had been increasing, growing, and multiplying upon him, from the month of April preceding, and he had never given the least intimation of it to the board until he wrote this letter. This was at so late a period that he then says, the time won't wait for a remedy; I am obliged to use my own separate authority: although he had had abundant time for laying the whole matter before the council.

He next goes on to say, "It had indeed been my intention, but for the same cause, to have requested the instructions of the board for the conduct of Mr. Markham, in the difficulties which he had to encounter immediately after the date of my letter to him; and to have recommended the substance of it, for an order to the board."

He seems to have promised Mr. Markham that, if the violent act which Mr. Markham proposed, and which he, Mr. Hastings, ordered, was carried into execution, an authority should be procured from the board. He, however, did not get Mr. Markham such an authority. Why? Because he was resolved, as he has told you, to act by his own separate

authority; and because, as he has likewise told you, that he disobeys the orders of the court of directors, and defies the laws of the country, as a signal of his authority.

Now, what does he recommend to the board? That it will be pleased to confirm the appointment which Mr. Markham made in obedience to his individual orders, as well as the directions which he had given him, to exact from Baboo Durbedgy Sing, with the utmost rigour, every rupee of the collections; and either to confine him at Benares, or send him to Chunar, and imprison him there, until the whole of his arrears were paid up. Here then, my lords, you have, what plainly appears in every act of Mr. Hastings, a feeling of resentment for some personal injury. "I feel myself," says he, "and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and the discredit which his ill conduct has thrown on my appointment of him. The Rajah himself, scarcely arrived at the verge of manhood, was in understanding but little advanced beyond the term of childhood; and it had been the policy of Cheit Sing to keep him equally secluded from the world and from business." This is the character Mr. Hastings gives of a man whom he appointed to govern the country. He goes on to say of Durbedgy Sing:—"As he was allowed a jaghire of a very liberal amount, to enable him to maintain a state and consequence, suitable both to the relation in which he stood to the Rajah and the high office which had been assigned to him, and sufficient also to free him from the temptation of little and mean peculations, it is therefore my opinion, and I recommend that Mr. Markham be ordered to divest him of his jaghire, and reunite it to the malguzzary, or the land paying its revenue, through the Rajah, to the Company.

"The opposition made by the Rajah and the old Rannee, both equally incapable of judging for themselves, do certainly originate from some secret influence, which ought to be checked by a decided and peremptory declaration of the authority of the board, and a denunciation of their displeasure at their presumption. If they can be induced to yield the appearance of a cheerful acquiescence in the new arrangement, and to adopt it as a measure formed with their participation, it would be better than that it should be done by a declared

act of compulsion; but at all events it ought to be done." My lords, it had been already done; the naib was dismissed; he was imprisoned; his jaghire was confiscated; all these things were done by Mr. Hastings's orders. He had resolved to take the whole upon himself; he had acted upon that resolution before he addressed this letter to the board.

Thus, my lords, was this unhappy man punished without any previous trial, or any charges, except the complaints of Mr. Markham, and some other private information which Mr. Hastings said he had received. Before the poor object of these complaints could make up his accounts, before a single step was taken, judicially or officially, to convict him of any crime, he was sent to prison, and his private estates confiscated.

My lords, the Commons of Great Britain claim from you, that no man shall be imprisoned till a regular charge is made against him, and the accused fairly heard in his defence. They claim from you, that no man shall be imprisoned on a matter of account, until the account is settled between the parties. And claiming this, we do say, that the prisoner's conduct towards Durbedgy Sing was illegal, unjust, violent, and oppressive. The imprisonment of this man was clearly illegal on the part of Mr. Hastings, as he acted without the authority of the council, and doubly oppressive, as the imprisoned man was thereby disabled from settling his account with the numberless sub-accountants whom he had to deal with in the collection of the revenue.

Having now done with these wicked, flagitious, abandoned, and abominable acts, I shall proceed to the extraordinary powers given by Mr. Hastings to his instrument, Mr. Markham, who was employed in perpetrating these acts, and to the very extraordinary instructions which he gave this instrument for his conduct in the execution of the power intrusted to him. In a letter to Mr. Markham, he says, "I need not tell you, my dear sir, that I possess a very high opinion of your abilities, and that I repose the utmost confidence in your integrity." He might have had reason for both, but he scarcely left to Mr. Markham the use of either. He arbitrarily imposed upon him the tasks which he wished him to execute, and he engaged to bear out his acts by his own power. "From your long residence at Benares," says he,

"and from the part you have had in the business of that zemindary, you must certainly best know the men who are most capable and deserving of public employment. From among these I authorize you to nominate a naib to the Rajah, in the room of Durbedgy Sing, whom, on account of his ill conduct, I think it necessary to dismiss from that office. It will be hardly necessary to except Oossaun Sing from the description of men to whom I have limited your choice, yet it may not be improper to apprize you, that I will, on no terms, consent to his being naib. In forming the arrangements consequent upon this new appointment, I request you will, as far as you can with propriety, adopt those which were in use during the life of Bulwant Sing; so far, at least, as to have distinct offices for distinct purposes, independent of each other, and with proper men at the head of each; so that one office may detect or prevent any abuses or irregularities in the others, and together form a system of reciprocal checks. Upon that principle I desire you will in particular establish, under whatever names, one office of receipts, and another of treasury; the officers of both must be responsible for the truth and regularity of their respective accounts, but not subject in the statement of them to the control or interference of the Rajah or naib; nor should they be removable at pleasure, but for manifest misconduct only. At the head of one or other of these offices I could wish to see the late Boxey Rogoober Dyall; his conduct in his former office, his behaviour on the revolt of Cheit Sing, and particularly at the fall of Bidjigur, together with his general character, prove him worthy of employment and of the notice of our government. It is possible that he may have objections to holding an office under the present Rajah; offer him one, however, and let him know that you do so by my directions." He then goes on to say, "Do not wholly neglect the Rajah; consult with him in appearance, but in appearance only. His situation requires that you should do that much; but his youth and inexperience forbid that you should do more."

You see, my lords, he has completely put the whole government into the hands of a man who had no name, character, or official situation, but that of the Company's resident at that place. Let us now see what is the office of a resident. It is to reside at the court of the native prince, to give

the council notice of the transactions that are going on there, and to take care that the tribute be regularly paid, kist by kist; but we have seen that Mr. Markham, the resident at Benares, was invested by Mr. Hastings with supreme authority in this unhappy country. He was to name whoever he pleased to its government, with the exception of Oossaun Sing, and to drive out the person who had possessed it under an authority which could only be revoked by the council. Thus Mr. Hastings delegated to Mr. Markham an authority which he himself did not really possess, and which could only be legally exercised through the medium of the council.

With respect to Durbedgy Sing, he adds,—"He has dishonoured my choice of him." *My* choice of him! "It now only remains to guard against the ill effects of his misconduct, to detect and punish it. To this end I desire that the officers to be appointed in consequence of these instructions do, with as much accuracy and expedition as possible, make out an account of the receipts, disbursements, and transactions of Durbedgy Sing, during the time he has acted as naib of the zemindary of Benares; and I desire you will, in my name, assure him, that unless he pays at the limited time every rupee of the revenue due to the Company, his life shall answer for the default. I need not caution you to provide against his flight, and the removal of his effects." He here says, my lords, that he will detect and punish him; but the first thing he does, without any detection, even before the accounts he talks of are made up, and without knowing whether he has got the money or not, he declares that he will have every rupee paid at the time, or otherwise the naib's life shall pay for it.

Is this the language of a British governor; of a person appointed to govern, *by law*, nations subject to the dominion and under the protection of this kingdom? Is he to order a man to be first imprisoned and deprived of his property; then for an inquiry to be made, and to declare, during that inquiry, that if every rupee of a presumed embezzlement be not paid up, the life of his victim shall answer for it? And accordingly this man's life did answer for it, as I have already had occasion to mention to your lordships.

I will now read Mr. Markham's letter to the council, in

which he enters into the charges against Durbedgy Sing, after this unhappy man had been imprisoned.

Benares, 24th of October, 1782.—"I am sorry that my duty obliges me to mention to your honourable board my apprehensions of a severe loss accruing to the honourable Company; if Baboo Durbedgy Sing is continued in the naibut during the present year. I ground my fears on the knowledge I had of his mismanagement; the bad choice he has made of his aumils; the mistrust which they have of him; and the several complaints which have been preferred to me by the ryotts of almost every pergunnah in the zemindary.; I did not choose to waste the time of your honourable board in listening to my representations of his inattention to the complaints of oppression which were made to him by his ryotts, as I hoped that a letter he received from the honourable Governor-General would have had weight sufficient to have made him more regular in his business, and more careful of his son's interest."

My lords, think of the condition of your government in India! Here is a resident at Benares exercising power not given to him by virtue of his office, but given only by the private orders of the prisoner at your bar. And what is it he does? He says, he did not choose to trouble the council with a particular account of his reasons for removing a man who possessed a high office under their immediate appointment The council was not to know them: he did not choose to waste the time of their honourable board in listening to the complaints of the people. No; the honourable board is not to have its time wasted in that improper manner; therefore, without the least inquiry or inquisition, the man must be imprisoned, and deprived of his office: he must have all his property confiscated, and be threatened with the loss of his life.

These are crimes, my lords, for which the Commons of Great Britain knock at the breasts of your consciences, and call for justice. They would think themselves dishonoured for ever, if they had not brought these crimes before your lordships, and with the utmost energy demanded your vindictive justice, to the fullest extent in which it can be rendered.

But there are some aggravating circumstances in these

crimes, which I have not yet stated. It appears that this unhappy and injured man was, without any solicitation of his own, placed in a situation, the duties of which even Mr. Hastings considered it impossible for him to execute. Instead of supporting him with the countenance of the supreme government, Mr. Hastings did everything to lessen his weight, his consequence, and authority. And when the business of the collection became embarrassed, without any fault of his, that has ever yet been proved, Mr. Markham instituted an inquiry. What kind of inquiry it was that would or could be made, your lordships will judge. While this was going on, Mr. Markham tells you that in consequence of orders which he had received, he first put him into a gentle confinement. Your lordships know what that confinement was; and you know what it is for a man of his rank to be put into any confinement. We have shown he was thereby incapable of transacting business. His life had been threatened, if he should not pay in the balance of his accounts within a short limited time; still he was subjected to confinement while he had money accounts to settle with the whole country. Could a man in gaol, dishonoured and reprobated, take effectual means to recover the arrears which he was called upon to pay? Could he, in such a situation, recover the money which was unpaid to him, in such an extensive district as Benares? Yet Mr. Markham tells the council, he thought proper "that Durbedgy Sing should be put under a gentle confinement, until I shall receive your honourable board's orders for any future measures." Thus Mr. Markham, without any orders from the council, assumed an authority to do that which we assert a resident at Benares had no right to do; but to which he was instigated by Mr. Hastings's recommendation that Durbedgy Sing should be prevented from flight.

Now, my lords, was it to be expected that a man of Durbedgy Sing's rank should suffer these hardships and indignities, and at the same time kiss the rod and say, I have deserved it all? We know that all mankind revolts at oppression, if it be real. We know that men do not willingly submit to punishment, just or unjust; and we find that Durbedgy Sing had near relatives, who used for his relief all the power which was left them,—that of remonstrating with his

oppressors. Two arzies, or petitions, were presented to the council, of which we shall first call your lordships' attention to one from the dowager princess of Benares, in favour of her child and of her family.

From the Raunee, widow of Bulwant Sing, received the 15th of December, 1782:—"I and my children have no hopes but from your highness, and our honour and rank are bestowed by you.—Mr. Markham, from the advice of my enemies, having protected the farmers, would not permit the balances to be collected. Baboo Durbedgy Sing frequently before desired that gentleman to show his resentment against the people who owed balances, that the balances might be collected, and to give ease to his mind for the present year, conformably to the requests signed by the presence, that he might complete the bundobust. But that gentleman would not listen to him; and having appointed a mutseddy and taveeldar, employs them in the collections of the year, and sent two companies of sepoys and arrested Baboo Durbedgy Sing upon this charge, that he had secreted in his house many lacks of rupees from the collections, and he carried the mutseddies and treasurer with their papers to his own presence. He neither ascertained this matter by proofs, nor does he complete the balance of the sircar from the jaidaads of the balances; right or wrong, he is resolved to destroy our lives. As we have no asylum or hope except from your highness, and as the Almighty has formed your mind to be a distributer of justice in these times, I therefore hope from the benignity of your highness that you will inquire and do justice in this matter, and that an aumeen may be appointed from the presence, that having discovered the crimes or innocence of Baboo Durbedgy Sing he may report to the presence. Further particulars will be made known to your highness by the arzie of my son, Rajah Mehipnarain Bahader."

Arzie from Rajah Mehipnarain Bahader, received 15th December, 1782.—"I before this had the honour of addressing several arzies to your presence, but from my unfortunate state not one of them has been perused by your highness, that my situation might be fully learnt by you. The case is this; Mr. Markham, from the advice of my enemies, having occasioned several kinds of losses, and given protection to those who owed balances, prevented the balance from being

collected; for this reason, that, the money not being paid in time, the Baboo might be convicted of inability. From this reason all the owners of balances refused to pay the malwajib of the sircar. Before this the Baboo had frequently desired that gentleman to show his resentment against the persons who owed the balances, that the balances might be paid, and that his mind might be at ease for the present year, so that the bundobust of the present year might be completed; adding, that if next year such kinds of injuries and protection of the farmers were to happen, he should not be able to support it."

I am here to remark to your lordships, that the last of these petitions begins by stating, "I before this have had the honour of addressing several arzies to your presence; but, from my unfortunate state, not one of them has been perused by your highness." My lords, if there is any one right secured to the subject, it is that of presenting a petition, and having that petition noticed. This right grows in importance in proportion to the power and despotic nature of the governments to which the petitioner is subject. For where there is no sort of remedy from any fixed laws, nothing remains but complaint, and prayers, and petitions. This was the case in Benares, for Mr. Hastings had destroyed every trace of law, leaving only the police of the single city of Benares. Still we find this complaint, prayer, and petition was not the first, but only one of many which Mr. Hastings took no notice of, entirely despised, and never would suffer to be produced to the council; which never knew anything, until this bundle of papers came before them, of the complaint of Mr. Markham against Durbedgy Sing, or of the complaint of Durbedgy Sing against Mr. Markham.

Observe, my lords, the person that put Durbedgy Sing in prison was Mr. Markham; while the complaint in the arzie is, that Mr. Markham was himself the cause of the very failure for which he imprisoned him. Now what was the conduct of Mr. Hastings, as judge? He has two persons before him; the one in the ostensible care of the revenue of the country; the other his own agent, acting under his authority. The first is accused by the second, of default in his payments: the latter is complained of by the former, who says, that the occasion of the accusation had been furnished

by him the accuser. The judge, instead of granting redress, dismisses the complaints against Mr. Markham with reprehension, and sends the complainant to rot in prison, without making one inquiry, or giving himself the trouble of stating to Mr. Markham the complaints against him, and desiring him to clear himself from them? My lords, if there were nothing but this to mark the treacherous and perfidious nature of his conduct, this would be sufficient.

In this state of things, Mr. Hastings thus writes:—"To Mr. Markham. "The measures which you have taken with Baboo Durbedgy Sing are perfectly right and proper, so far as they go, and we now direct that you exact from him, with the utmost rigour, every rupee of the collections which it shall appear that he has made, and not brought to account, and either confine him at Benares or send him prisoner to Chunar, and keep him in confinement until he shall have discharged the whole of the amount due from him." He here employs the very person against whom the complaint is made, to imprison the complainant. He approves the conduct of his agent, without having heard his defence, and leaves him at his option to keep his victim a prisoner at Benares, or to imprison him in the fortress of Chunar, the infernal place to which he sends the persons whom he has a mind to extort money from.

Your lordships will be curious to know how this debt of Durbedgy Sing stood at the time of his imprisonment. I will state the matter to your lordships briefly and in plain language, referring you for the particulars of the account to the papers which are in your minutes. It appears from them, that towards the end of the yearly account in 1782, a kist, or payment of eight lacks (about £80,000), the balance of the annual tribute, was due. In part of this kist, Durbedgy Sing paid two lacks (£20,000). Of the remaining six lacks (£60,000), the outstanding debts in the country due to the revenue, but not collected by the naib, amounted to four lacks (£40,000). Thus far the account is not controverted by the accusing party; but Mr. Markham asserts, that he *shall* be able to prove that the naib had also actually received the other two lacks (£20,000); and consequently was an actual defaulter to that amount, and had upon the whole suffered the annual tribute to fall six lacks in arrear. The naib de-

nies the receipt of the two lacks just mentioned, and challenges inquiry; but no inquiries appear to have been made, and to this hour Mr. Markham has produced no proof of the fact. With respect to the arrear of the tribute money which appeared on the balance of the whole account, the naib defended himself by alleging the distresses of the country, the diminution of his authority, and the want of support from the supreme government in the collection of the revenues; and he asserts, that he has assets sufficient, if time and power be allowed him for collecting them, to discharge the whole balance due to the Company. The immediate payment of the whole balance was demanded, and Durbedgy Sing, unable to comply with the demand, was sent to prison. Thus stood the business when Mr. Markham, soon after he had sent the naib to prison, quitted the residency; he was succeeded by Mr. Benn, who acted exactly upon the same principle. He declares, that the six lacks demanded were not demanded upon the principle of its having been actually collected by him, but upon the principle of his having agreed to pay it. We have, say Mr. Hastings's agents to the naib, we have a Jew's bond. If it is in your bond, we will have it, or we will have a pound of your flesh; whether you have received it or not, is no business of ours. About this time some hopes were entertained by the resident that the naib's personal exertions in collecting the arrears of the tribute might be useful. These hopes procured him a short liberation from his confinement. He was let out of prison, and appears to have made another payment of half a lack of rupees. Still the terms of the bond were insisted on, although Mr. Hastings had allowed that these terms were extravagant, and only one lack and a half of the money which had been actually received remained unpaid. One would think that common charity, that common decency, that common regard to the decorum of life, would, under such circumstances, have hindered Mr. Hastings from imprisoning him again. But, my lords, he was imprisoned again. He continued in prison till Mr. Hastings quitted the country; and there he soon after died,—a victim to the enormous oppression which has been detailed to your lordships.

It appears that, in the mean time, the residents had been using other means for recovering the balance due to the Com-

pany. The family of the Rajah had not been paid one shilling of the £60,000 allowed for their maintenance. They were obliged to mortgage their own hereditary estates for their support, while the residents confiscated all the property of Durbedgy Sing. Of the money thus obtained, what account has been given? None, my lords, none. It must, therefore, have been disposed of in some abominably corrupt way or other, while this miserable victim of Mr. Hastings was left to perish in a prison, after he had been elevated to the highest rank in the country.

But, without doubt, they found abundance of effects after his death? No, my lords; they did not find anything. They ransacked his house; they examined all his accounts, every paper that he had, in and out of prison. They searched and scrutinized everything. They had every penny of his fortune, and I believe, though I cannot with certainty know, that the man died insolvent: and it was not pretended that he had ever applied to his own use any part of the Company's money.

Thus Durbedgy Sing is gone; this tragedy is finished; a second Rajah of Benares has been destroyed. I do not speak of that miserable puppet who was said by Mr. Hastings to be in a state of childhood when arrived at manhood; but of the person who represented the dignity of the family. He is gone; he is swept away; and in his name, in the name of this devoted Durbedgy Sing, in the name of his afflicted family, in the name of the people of the country, thus oppressed by a usurped authority, in the name of all these, respecting whom justice has been thus outraged, we call upon your lordships for justice.

We are now at the commencement of a new order of things. Mr. Markham had been authorized to appoint whoever he pleased as naib, with the exception of Oossaun Sing. He accordingly exercises this power, and chooses a person called Jagger Deo Sing. From the time of the confinement of Durbedgy Sing to the time of this man's being put into the government, in whose hands were the revenues of the country? Mr. Markham himself has told you, at your bar; that they were in his hands: that he was the person who not only named this man, but that he had the sole manage-

ment of the revenues; and he was, of course, answerable for them all that time. The nominal title of zemindar was still left to the miserable pageant who held it; but even the very name soon fell entirely out of use. It is in evidence before your lordships, that his name is not even so much as mentioned in the proceedings of the government; and that the person who really governed was not the ostensible Jagger Deo Sing, but Mr. Markham. The government, therefore, was taken completely and entirely out of the hands of the person who had a legal right to administer it; out of the hands of his guardians; out of the hands of his mother; out of the hands of his nearest relations; and, in short, of all those who in the common course of things ought to have been entrusted with it From all such persons I say it was taken, and where, my lords, was it deposited? Why, in the hands of a man of whom we know nothing, and of whom we never heard anything, before we heard that Mr. Markham of his own usurped authority, authorized by the usurped authority of Mr Hastings, without the least communication with the council, had put him in possession of that country.

Mr. Markham himself, as I have just said, administered the revenues alone, without the smallest authority for so doing, without the least knowledge of the council, till Jagger Deo Sing was appointed naib. Did he then give up his authority? No such thing. All the measures of Jagger Deo Sing's government were taken with the concurrence and joint management of Mr. Markham. He conducted the whole; the settlements were made, the leases and agreements with farmers all regulated by him. I need not tell you, I believe, that Jagger Deo Sing was not a person of very much authority in the case: your lordships would laugh at me if I said he was. The revenue arrangements were, I firmly believe, regulated and made by Mr. Markham. But whether they were or were not, it comes to the same thing. If they were improperly made and improperly conducted, Mr. Hastings is responsible for the whole of the mismanagement, for he gave the entire control to a person who had little experience, who was young in the world (and this is the excuse I wish to make for a gentleman of that age). He appointed him, and gave him at large a discretionary authority to name whom

he pleased to be the ostensible naib; but we know that he took the principal part himself in all his settlements and in all his proceedings.

Soon after the naib had been thus appointed and instructed by Mr. Markham, he settled under his directions the administration of the country. Mr. Markham then desires leave from Mr. Hastings to go down to Calcutta. I imagine he never returned to Benares; he comes to Europe; and here end the acts of this viceroy and delegate.

Let us now begin the reign of Mr. Benn and Mr. Fowke. These gentlemen had just the same power delegated to them that Mr. Markham possessed, not one jot less that I know of; and they were therefore responsible, and ought to have been called to an account by Mr. Hastings, for every part of their proceedings. I will not give you my own account of the reign of these gentlemen; but I will read to you what Mr. Hastings has thought proper to represent the state of the people to be under their government. This course will save your lordships time and trouble, for it will nearly supersede all observations of mine upon the subject. I hold in my hand Mr. Hastings's representation of the effects produced by a government which was conceived by himself, carried into effect by himself, and illegally invested by him with illegal powers, without any security or responsibility of any kind. Hear, I say, what an account Mr. Hastings gave, when he afterwards went up to Benares upon another wicked project, and think what ought to have been his feelings as he looked upon the ruin he had occasioned. Think of the condition in which he saw Benares the first day he entered it. He then saw it beautiful, ornamented, rich; an object that envy would have shed tears over for its prosperity—that humanity would have beheld with eyes glistening with joy for the comfort and happiness which were there enjoyed by man: —a country flourishing in cultivation to such a degree, that the soldiers were obliged to march in single files through the fields of corn, to avoid damaging them; a country in which Mr. Stables has stated, that the villages were thick beyond all expression; a country where the people pressed round their sovereign, as Mr. Stables also told you, with joy, triumph, and satisfaction. Such was the country; and in such a state and under such a master was it when he first saw it.

See what it now is under Warren Hastings; see what it is under the British government; and then judge whether the Commons are or are not right in pressing the subject upon your lordships for your decision; and letting you and all this great auditory know what sort of a criminal you have before you, who has had the impudence to represent to your lordships at your bar that Benares is in a flourishing condition, in defiance of the evidence which we have under his own hands; and who, in all the false papers that have been circulated to debauch the public opinion, has stated, that we, the Commons, have given a false representation as to the state of the country under the English government.

Lucknow, the 2nd of April, 1784. Addressed to the honourable Edward Wheler, Esq., &c. Signed Warren Hastings. It is in page 306 of the printed minutes.—"Gentlemen,—Having contrived by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the province, which I am anxious to communicate to you; indeed the inquiry, which was in a great degree obtruded upon me, affected me with very mortifying reflections on my own inability to apply it to any useful purpose. From the confines of Buxar to Benares I was followed and fatigued by the clamours of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority should prove satisfactory to all who are the objects of it. The distresses which were produced by the long-continued drought unavoidably tended to heighten the general discontent; yet I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive, administration. Of a multitude of petitions which were presented to me, and of which I took minutes, every one that did not relate to a personal grievance continued the representation of one and the same species of oppression, which is in its nature of an influence most fatal to the future cultivation. The practice to which I allude is this,—it is affirmed that the aumils and renters exact from the proprietors of the actual harvest a large increase in kind on their stipulated rent, that is, from those who hold their pottahs by the tenure of paying one-half of the produce of their crops, either the whole without a

subterfuge, or a large proportion of it by false measurement or other pretexts; and from those whose engagements are for a fixed rent in money, the half or a greater proportion is taken in kind; this is in effect a tax upon the industry of the inhabitants, since there is scarcely a field of grain in the province, I might say not one, which has not been preserved by the incessant labour of the cultivator, by digging wells for their supply or watering them from the wells of Marisoury with which this country abounds, or from the neighbouring tanks, rivers, and nullahs. The people who imposed on themselves this voluntary and extraordinary labour, and not unattended with expense, did it in the expectation of reaping the profits of it; and it is as certain that they would not have done it, if they had known that their rulers, from whom they were entitled to an indemnification, would take from them what they had so hardly earned; if the same administration continues, and the country shall again labour under a want of the natural rains, every field will be abandoned, the revenue fail, and thousands perish through the want of subsistence; for who will labour for the sole benefit of others and to make himself the subject of vexation? These practices are not to be imputed to the aumils employed in the districts, but to the naib himself. The avowed principle on which he acts, and which he acknowledged to myself, is, that the whole sum fixed for the revenue of the province must be collected, and that for this purpose the deficiency arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others where the soil has been better suited to the season, or the industry of the cultivators more successfully exerted; a principle which, however specious and plausible it may at first appear, certainly tends to the most pernicious and destructive consequences. If this declaration of the naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the naib, or of the officers under him, was forced also upon my attention. The exorbitant rates exacted by an arbitrary valuation of the goods; the practice of exacting duties twice on the same goods, first from the seller and afterwards from the buyer; and the vexatious

disputes and delays drawn on the merchants by these oppressions, were loudly complained of; and some instance of this kind were said to exist at the very time when I was in Benares. Under such circumstances we are not to wonder if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that province should annually decay.

"Other evils or imputed evils have accidentally come to my knowledge, which I will not now particularize, as I hope that, with the assistance of the resident, they may be in part corrected; one, however, I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the resident at my desire enjoined the naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observance of this precaution (which I am certain was faithfully delivered), I repeated it to him in person, and dismissed him, that he might precede me for that purpose; but to my great disappointment, I found every place through which I passed abandoned; nor had there been a man left in any of them for their protection. I am sorry to add, that from Buxar to the opposite boundary, I have seen nothing but the traces of complete devastation in every village, whether caused by the followers of the troops which have lately passed, for their natural relief, and I know not whether my own may not have had their share, or from the apprehension of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavourable appearances; and in my own heart I do acquit them: for at one encampment, near a large village called Derrara, in the pergunnah of Zemaneea, a crowd of people came to me, complaining that their former aumil, who was a native of the place, and had long been established in authority over them, and whose custom it had been, whenever any troops passed, to remain in person on the spot, for their protection, having been removed, the new aumil, on the approach of any military de-

tachment, himself first fled from the place, and the inhabitants, having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts, and my own senses bore testimony to it in this specific instance; nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, when there is neither opposition to hinder, nor evidence to deter them. These, and many other irregularities, I impute solely to the naib; and I think it my duty to recommend his instant removal. I would myself have dismissed him, had the control of this province come within the line of my powers, and have established such regulations and checks as would have been most likely to prevent the like irregularities. I have said checks, because, unless there is some visible influence, and a powerful and able one, impended over the head of the manager, no system can avail. The next appointed may prove, from some defect, as unfit for the office as the present; for the choice is limited to few, without experience to guide it. The first was of my own nomination; his merits and qualifications stood in equal balance with my knowledge of those who might have been the candidates for the office: but he was the father of the Rajah, and the affinity sunk the scale wholly in his favour; for who could be so fit to be entrusted with the charge of his son's interest, and the new credit of the rising family? He deceived my expectations. Another was recommended by the resident, and at my instance the board appointed him. This was Jagger Deo Sing, the present naib. I knew him not, and the other members of the board as little.

"While Mr. Markham remained in office, of whom, as his immediate patron, he may have stood in awe, I am told that he restrained his natural disposition, which has been described to me as rapacious, unfeeling, haughty, and to an extreme vindictive. I cannot avoid remarking, that, excepting the city of Benares itself, the province depending upon it is in effect without a government, the naib exercising only a dependent jurisdiction without a principal. The Rajah is

without authority, and even his name disused in the official instruments issued or taken by the manager. The representation of his situation shall be the subject of another letter; I have made this already too long, and shall confine it to the single subject for the communication of which it was begun. This permit me to recapitulate. The administration of the province is misconducted, and the people oppressed; trade discouraged, and the revenue, though said to be exceeded in the actual collections by many lacks (for I have a minute account of it, which states the net amount, including jaghires, as something more than fifty-one lacks), in danger of a rapid decline, from the violent appropriation of its means; the naib or manager is unfit for his office; a new manager is required, and a system of official control, in a word, a constitution; for neither can the board extend its superintending powers to a district so remote from its observation, nor has it delegated that authority to the resident, who is merely the representative of government, and the receiver of its revenue in the last process of it; nor indeed would it be possible to render him wholly so, for reasons which I may hereafter detail."

My lords, you have now heard,—not from the managers, —not from records of office,—not from witnesses at your bar,—but from the prisoner himself, the state of the country of Benares, from the time that Mr. Hastings and his delegated residents had taken the management of it. My lords, it is a proof, beyond all other proof, of the melancholy state of the country, in which, by attempting to exercise usurped and arbitrary power, all power and all authority become extinguished, complete anarchy takes place, and nothing of government appears but the means of robbing and ravaging, with an utter indisposition to take one step for the protection of the people.

Think, my lords, what a triumphal progress it was for a British governor, from one extremity of the province to the other (for so he has stated it), to be pursued by the cries of an oppressed and ruined people, where they dared to appear before him; and when they did not dare to appear, flying from every place; even the very magistrates being the first to fly! Think, my lords, that when these unhappy people saw the appearance of a British soldier, they fled as from a

pestilence; and then think, that these were the people who laboured in the manner which you have just heard; who dug their own wells; whose country would not produce anything but from the indefatigable industry of its inhabitants; and that such a meritorious, such an industrious people should be subjected to such a cursed anarchy, under pretence of revenue; to such a cursed tyranny, under the pretence of government!

But Jagger Deo Sing was unfit for his office.—How dared you to appoint a man unfit for his office?—Oh, it signified little, without their having a constitution.—Why did you destroy the official constitution that existed before? How dared you to destroy those establishments which enabled the people to dig wells and to cultivate the country like a garden, and then to leave the whole in the hands of your arbitrary and wicked residents and their instruments, chosen without the least idea of government, and without the least idea of protection? God has sometimes converted wickedness into madness; and it is to the credit of human reason that men who are not in some degree mad are never capable of being in the highest degree wicked. The human faculties and reason are in such cases deranged; and, therefore, this man has been dragged by the just vengeance of Providence to make his own madness the discoverer of his own wicked, perfidious, and cursed machinations in that devoted country.

Think, my lords, of what he says respecting the military. He says, there is no restraining them, that they pillage the country wherever they go. But had not Mr. Hastings himself just before encouraged the military to pillage the country? Did he not make the people's resistance, when the soldiers attempted to pillage them, one of the crimes of Cheit Sing? And who would dare to obstruct the military in their abominable ravages, when they knew that one of the articles of Cheit Sing's impeachment was his having suffered the people of the country, when plundered by these wicked soldiers, to return injury for injury, and blow for blow? When they saw, I say, that these were the things for which Cheit Sing was sacrificed, there was manifestly nothing left for them but flight. What! fly from a Governor-General? You would expect he was bearing to the country, upon his balmy and healing wings, the cure of all its disorders and of

all its distress. No; they knew him too well; they knew him to be the destroyer of the country; they knew him to be the destroyer of their sovereign, the destroyer of the persons whom he had appointed to govern under him; they knew that neither governor, sub-governor, nor subject could enjoy a moment's security while he possessed supreme power: This was the state of the country; and this the Commons of England call upon your lordships to avenge.

Let us now see what is next done by the prisoner at your bar. He is satisfied with simply removing from his office Jagger Deo Sing, who is accused by him of all these corruptions and oppressions; the other poor unfortunate man, who was not even accused of malversations in such a degree, and against whom not one of the accusations of oppression was regularly proved, but who had, in Mr. Hastings's eye, the one unpardonable fault of not having been made richer by his crimes, was twice imprisoned, and finally perished in prison. But we have never heard one word of the imprisonment of Jagger Deo Sing, who, I believe, after some mock inquiry, was acquitted.

Here, my lords, I must beg you to recollect Mr. Hastings's proceeding with Gunga Govin Sing; and to contrast his conduct towards these two peculators with his proceeding towards Durbedgy Sing. Such a comparison will let your lordships into the secret of one of the prisoner's motives of conduct upon such occasions. When you will find a man pillaging and desolating a country in the manner Jagger Deo Sing is described by Mr. Hastings to have done, but who takes care to secure to himself the spoil, you will likewise find that such a man is safe, secure, unpunished. Your lordships will recollect the desolation of Dinagepore. You will recollect that the rapacious Gunga Govin Sing (the coadjutor of Mr. Hastings in peculation), out of £80,000, which he had received on the Company's account, retained £40,000 for his own use; and that, instead of being turned out of his employment, and treated with rigour and cruelty, he was elevated in Mr. Hastings's grace and favour, and never called upon for the restoration of a penny. Observe, my lords, the difference in his treatment of men who have wealth to purchase impunity, or who have secrets to reveal, and of another who has no such merit, and is poor and insolvent.

We have shown your lordships the effects of Mr. Hastings's government upon the country and its inhabitants; and although I have before suggested to you some of its effects upon the army of the Company, I will now call your attention to a few other observations on that subject. Your lordships will, in the first place, be pleased to attend to the character which he gives of this army. You have heard what he tells you of the state of the country in which it was stationed, and of the terror which it struck into the inhabitants. The appearance of an English soldier was enough to strike the country people with affright and dismay. They everywhere, he tells you, fled before them, and yet they are the officers of this very army who are brought here as witnesses to express the general satisfaction of the people of India. To be sure a man who never calls Englishmen to an account for any robbery or injury whatever, who acquits them, upon their good intentions, without any inquiry, will in return for this indemnity have their good words. We are not surprised to find them coming with emulation to your bar, to declare him possessed of all virtues; and that nobody has or can have a right to complain of him. But we, my lords, protest against these indemnities. We protest against their good words. We protest against their testimonials; and we insist upon your lordships trying him, not upon what this or that officer says of his good conduct, but upon the proved result of the actions tried before you. Without ascribing, perhaps, much guilt to men who must naturally wish to favour the person who covers their excesses,—who suffers their fortunes to be made, you will know what value to set upon their testimony. The Commons look on those testimonies with the greatest slight, and they consider as nothing all evidence given by persons who are interested in the very cause; persons who derive their fortunes from the ruin of the very people of the country, and who have divided the spoils with the man whom we accuse. Undoubtedly these officers will give him their good word. Undoubtedly the residents will give him their good word. Mr. Markham and Mr. Benn, and Mr. Fowke, if he had been called,—every servant of the Company, except some few, will give him the same good word, every one of them; because, my lords, they

have made their fortunes under him, and their conduct has not been inquired into.

But to return to the observations we were making upon the ruinous effects, in general, of the successive governments which had been established at Benares by the prisoner at your bar. These effects, he would have you believe, arose from the want of a constitution. Why, I again ask, did he destroy the constitution which he found established there, or suffer it to be destroyed? But he had actually authorized Mr. Markham to make a new, a regular, an official constitution. Did Mr. Markham make it? No; though he professed to do it, it never was done; and so far from there being any regular, able, efficient constitution, you see there was an absolute and complete anarchy in the country. The native inhabitants, deprived of their ancient government, were so far from looking up to their new masters for protection, that the moment they saw the face of a soldier or of a British person in authority they fled in dismay, and thought it more eligible to abandon their houses to robbery than to remain exposed to the tyranny of a British governor. Is this what they call British dominion? Will you sanction by your judicial authority transactions done in direct defiance of your legislative authority? Are they so injuriously mad as to suppose your lordships can be corrupted to betray in your judicial capacity (the most sacred of the two) what you have ordained in your legislative character?

My lords, I am next to remind you what this man has had the insolence and audacity to state at your bar. "In fact," says he, "I can adduce very many gentlemen now in London to confirm my assertions, that the countries of Benares and Gauzepore were never within the memory of Englishmen so well protected, so peaceably governed, or more industriously cultivated than at the present moment."

Your lordships know that this report of Mr. Hastings, which has been read, was made in the year 1784. Your lordships know that no step was taken, while Mr. Hastings remained in India, for the regulation and management of the country. If there was, let it be shown. There was no constitution framed, nor any other means taken for the settlement of the country, except the appointment of Ajit Sing in

the room of Durbedgy Sing, to reign like him, and like him to be turned out. Mr. Hastings left India in February, 1785; he arrived here, as I believe, in June or July following. Our proceedings against him commenced in the sessions of 1786; and this defence was given, I believe, in the year 1787. Yet at that time, when he could hardly have received any account from India, he was ready, he says, to produce the evidence (and no doubt might have done so) of many gentlemen whose depositions would have directly contradicted what he had himself deposed of the state in which he, so short a time before, had left the country. Your lordships cannot suppose that it could have recovered its prosperity within that time. We know you may destroy that in a day which will take up years to build. We know a tyrant can in a moment ruin and oppress, but you cannot restore the dead to life: you cannot in a moment restore fields to cultivation; you cannot as you please make the people in a moment restore old or dig new wells; and yet Mr. Hastings has dared to say to the Commons that he would produce persons to refute the account which we had fresh from himself. We will, however, undertake to show you that the direct contrary was the fact.

I will first refer you to Mr. Barlow's account of the state of trade. Your lordships will there find a full exposure of the total falsehood of the prisoner's assertions. You will find that Mr. Hastings himself had been obliged to give orders for the change of almost every one of the regulations he had made; your lordships may there see the madness and folly of tyranny attempting to regulate trade. In the printed minutes, page 2830, your lordships will see how completely Mr. Hastings had ruined the trade of the country. You will find that, wherever he pretended to redress the grievances which he had occasioned, he did not take care to have any one part of his pretended redress executed. When you consider the anarchy in which he states the country through which he passed to have been, you may easily conceive that regulations for the protection of trade, without the means of enforcing them, must be nugatory.

Mr. Barlow was sent, in the years 1786 and 1787, to examine into the state of the country. He has stated the effect of all those regulations which Mr. Hastings has had the assurance to represent here as prodigies of wisdom. At the

very time when our charge was brought to this House (it is a remarkable period, and we desire your lordships to advert to it), at that time—I do not know whether it was not on the very same day that we brought our charge to your bar—Mr. Duncan was sent by Lord Cornwallis to examine into the state of that province. Now, my lords, you have Mr. Duncan's report before you, and you will judge whether or not, by any regulation which Mr. Hastings had made, or whether, through *any* means used by him, that country had recovered, or was recovering. Your lordships will there find other proofs of the audacious falsehood of his representation, that all which he had done had operated on the minds of the inhabitants very greatly in favour of British integrity and good government. Mr. Duncan's report will not only enable you to decide upon what he has said himself, it will likewise enable you to judge of the credit which is due to the gentlemen now in London, whom he can produce to confirm his assertions, that the country of Benares and Gauzepore were never, within the memory of Englishmen, so well protected and cultivated as at the present moment.

Instead, therefore, of a speech from me, you shall hear what the country says itself by the report of the last commissioner who was sent to examine it by Lord Cornwallis. The perfect credibility of his testimony Mr. Hastings has established out of Lord Cornwallis's mouth; who, being asked the character of Mr. Jonathan Duncan, has declared that there is nothing he can report of the state of the country to which you ought not to give credit. Your lordships will now see how deep the wounds are which tyranny and arbitrary power must make in a country where their existence is suffered; and you will be pleased to observe that this statement was made at a time when Mr. Hastings was amusing us with *his* account of Benares.

Extract of the proceedings of the resident at Benares, under date the 16th February, 1788, at the pergunnah of Gurrah Dehmah, &c.; printed minutes, page 2610.

"The resident, having arrived in this pergunnah of Gurrah Dehmah from that of Mohammedabad, is very sorry to observe that it seems about one-third at least uncultivated, owing to the mismanagement of the few last years. The Rajah however promises that it shall be by next year in a

complete state of cultivation; and Tobarck Hossaine, his aumeen, aumil, or agent, professes his confidence of the same happy effects, saying that he has already brought a great proportion of the land that lay fallow when he came into the pergunnah, in the beginning of the year, into cultivation; and that it being equally the Rajah's directions, and his own wish, he does not doubt of being successful in regard to the remaining part of the waste land."

Report, dated the 18th of February, at the pergunnah of Bulleah.

"The resident, having come yesterday into this pergunnah from that of Gurrah Dehmah, finds its appearance much superior to that pergunnah in point of cultivation; yet it is on the decline so far that its collectable jumma will not be so much this year as it was last; notwithstanding all the efforts of Reazel Husn, the agent of Khulb Ali Khân, who has farmed this pergunnah upon a three years' lease (of which the present is the last), during which his, that is, the head farmer's, management cannot be applauded, as the funds of the pergunnah are very considerably declined in his hands; indeed Reazel Husn declares that this year there was little or no khereof, or first harvest, in the pergunnah; and that it has been merely by the greatest exertions that he has prevailed on the ryots to cultivate the rubby crop which is now on the ground, and seems plentiful."

Report dated the 20th of February, at the pergunnah of Khereed.

"The resident, having this day come into the pergunnah of Khereed, finds that part of it laying between the frontiers of Bulleah, the present station, and Bansdeah (which is one of the tuppahs or subdivisions of Khereed) exceedingly wasted and uncultivated. The said tuppah is subfarmed by Gobind Ram, from Kulub Ali Bey, and Gobind Ram has again under-rented it to the zemindars."

Report dated the 23rd February, at the pergunnah of Sekunderpoor.

"The resident is set out for Sekunderpoor, and is sorry to observe that for about six or seven coss that he had further

to pass through the pergunnah of Kereebs, the whole appeared one continued waste as far as the eye could reach on both sides of the road. The pergunnah Sekunderpoor, beginning about a coss before he reached the village, an old fort of that name, appeared to a little more advantage, but even here the crops seem very scanty, and the ground more than half fallow."

Extract of the proceedings of the resident at Benares, under date the 26th February, at the pergunnah of Sekunderpoor.

"The resident now leaves Sekunderpoor to proceed to Nurgurah, the head cutcherry of the pergunnah. He is sorry to observe that during the whole way between these two places, which are at the distance of six coss, or twelve miles from each other, not above twenty fields of cultivated ground are to be seen, all the rest being, as far as the eye can reach, except just in the vicinity of Nuggeha, one general waste of long grass, with here and there some straggling jungly trees. This falling off in the cultivation is said to have happened in the course of but a few years, that is, since the late Rajah's expulsion.

Your lordships will observe the date of the ruin of this country is the expulsion of Cheit Sing.

Extract of the proceedings of the resident at Benares, under date the 27th February, at the pergunnah of Sekunderpoor.

"The resident meant to have proceeded from this place to Cossimabad, but understanding that the village of Ressenda, the capital of the pergunnah of Susknesser, is situated at three coss distance, and that many Rhardarry collections are there exacted, the zemindars and ryots being, it seems, all one body of Rajepoots, who affect to hold themselves in some sort independent of the Rajah's government, paying only a mohurrery or fixed jumma (which it may be supposed is not over-rated), and managing their interior concerns as they think fit; the resident thought it proper on this report to deviate a little from his intended route, by proceeding this day to Ressenda, where he accordingly arrived in the afternoon; and the remaining part of the country near the road through Sekunderpoor, from Nuggurha to

Seundah appearing nearly equally waste with the former part, as already noticed in the proceedings of the 26th instant.

"The Rajah is therefore desired to appoint a person to bring those waste lands into cultivation, in like manner as he has done in Khereed, with this difference or addition in his instructions, that he subjoin in those to the Aband Kar, or manager of the recultivation of Sekunderpoor, the rates at which he is authorized to grant pottahs for the various kinds of land: and it is recommended to him to make these rates even somewhat lower than he may himself think strictly conformable to justice, reporting the particulars to the resident.

"The Rajah is also desired to prepare and transmit a table of similar rates to the Aband Kar, of pergunnah Khereed.

"(Signed) JON[N] DUNCAN,
"Benares, "Resident."
"the 12th September, 1788."

Here your lordships find, in spite of Mr. Hastings himself, in spite of all the testimonies which he has called, and of all the other testimonies which he would have called, that his own account of the matter is confirmed against his own pretended evidence; you find his own written account confirmed in a manner not to be doubted; and the only difference between his account and this is, that the people did not fly from Mr. Duncan when he approached as they fled from Mr. Hastings. They did not feel any of that terror at the approach of a person from the beneficent government of Lord Cornwallis with which they had been entirely filled at the appearance of the prisoner at your bar. From him they fled in dismay. They fled from his very presence as from a consuming pestilence, as from something far worse than drought and famine; they fled from him as a cruel, corrupt, and arbitrary governor, which is worse than any other evil that ever afflicted mankind.

You see, my lords, in what manner the country has been wasted and destroyed; and you have seen by the date of these measures that they have happened within a few years, namely, since the expulsion of Rajah Cheit Sing. There begins the era of calamity. Ask yourselves then whether you will or can countenance the acts which led directly and ne-

cessarily to such consequences. Your lordships will mark what it is to oppress and expel a cherished individual from his government, and finally to subvert it. Nothing stands after him: down go all order and authority with him; ruin and desolation fall upon the country; the fields are uncultivated, the wells are dried up. The people, says Mr. Duncan, promised indeed, some time or other, under some other government, to do something. They will again cultivate the lands when they can get an assurance of security. My lords, judge, I pray you, whether the House of Commons, when they had read the account which Mr. Hastings has himself given of the dreadful consequences of his proceedings, when they had read the accounts given by Mr. Duncan, of an uncultivated country as far as the eye could reach, would not have shown themselves unworthy to represent not only the Commons of Great Britain, but the meanest village in it, if they had not brought this great criminal before you, and called upon your lordships to punish him. This ruined country, its desolate fields, and its undone inhabitants, all call aloud for British justice, all call for vengeance upon the head of this execrable criminal.

Oh! but we ought to be tender towards his personal character; extremely cautious in our speech; we ought not to let indignation loose. My lords, we do let our indignation loose. We cannot bear with patience this affliction of mankind. We will neither abate our energy, relax in our feelings, nor in the expressions which those feelings dictate. Nothing but corruption like his own could enable any man to see such a scene of desolation and ruin unmoved. We feel pity for the works of God and man; we feel horror for the debasement of human nature; and feeling thus, we give a loose to our indignation, and call upon your lordships for justice.

Strange as it may appear to your lordships, there remains to be stated an aggravation of his crimes and of his victims' misery. Would you consider it possible, my lords, that there could be an aggravation of such a case as you have heard? Would you think it possible for a people to suffer more than the inhabitants of Benares have suffered, from the noble possessor of the splendid mansion down to the miserable tenants of the cottage and the hut? Yes, there is a state of misery, a state of degradation, far below all that you have yet

heard. It is, my lords, that these miserable people should come to your lordships' bar, and declare that they have never felt one of those grievances of which they complain; that not one of those petitions with which they pursued Mr. Hastings had a word of truth in it; that they felt nothing under his government but ease, tranquillity, joy, and happiness; that every day during his government was a festival, and every night an illumination and rejoicing. The addresses which contain these expressions of satisfaction have been produced at your bar, and have been read to your lordships. You must have heard with disgust, at least, these flowers of oriental rhetoric, penned at ease by dirty hireling moonshees at Calcutta, who make these people put their seals, not to declarations of their ruin, but to expressions of their satisfaction. You have heard what he himself says of the country; you have heard what Mr. Duncan says of it; you have heard the cries of the country itself calling for justice upon him.; and now, my lords, hear what he has made these people say. "We have heard that the gentlemen in England are displeased with Mr. Hastings, on suspicion that he oppressed us, the inhabitants of this place;—took our money by deceit and force, and ruined the country." They then declare solemnly before God, according to their different religions, that Mr. Hastings "distributed protection and security to religion, and kindness and peace to all. He is free" (say they) "from the charge of embezzlement and fraud, and his heart is void of covetousness and avidity. During the period of his government, no one ever experienced from him other than protection and justice, never having felt hardships from him; nor did the poor ever know the weight of an oppressive hand from him. Our characters and reputation have been always guarded in quiet from attack, by the vigilance of his prudence and foresight, and by the terror of his justice."

Upon my word, my lords, the paragraphs are delightful. Observe, in this translation from the Persian there is all the fluency of an English paragraph well preserved. All I can say is, that these people of Benares feel their joy, comfort, and satisfaction in swearing to the falseness of Mr. Hastings's representation against himself. In spite of his own testimony, they say, "He secured happiness and joy to us. He re-

established the foundation of justice; and we at all times during his government lived in comfort and passed our days in peace." The shame of England and of the English government is here put upon your lordships' records. Here you have, just following that afflicting report of Mr. Duncan's, and that account of Mr. Hastings himself, in which he said the inhabitants fled before his face, the addresses of these miserable people. He dares to impose upon your eyesight—upon your common sense—upon the plain faculties of mankind. He dares, in contradiction to all his own assertions, to make these people come forward and swear that they have enjoyed nothing but complete satisfaction and pleasure during the whole time of his government.

My lords, I have done with this business, for I have now reached the climax of degradation and suffering, after moving step by step through the several stages of tyranny and oppression. I have done with it, and have only to ask in what country do we live, where such a scene can by any possibility be offered to the public eye!

Let us here, my lords, make a pause.—You have seen what Benares was under its native government. You have seen the condition in which it was left by Cheit Sing, and you have seen the state in which Mr. Hastings left it. The rankling wounds which he has inflicted upon the country, and the degradation to which the inhabitants have been subjected, have been shown to your lordships. You have now to consider, whether or not you will fortify with your sanction any of the detestable principles upon which the prisoner justifies his enormities.

My lords, we shall next come to another dependent province, when I shall illustrate to your lordships still further the effects of Mr. Hastings's principles. I allude to the province of Oude; a country which, before our acquaintance with it, was in the same happy and flourishing condition with Benares; and which dates its period of decline and misery from the time of our intermeddling with it. The Nabob of Oude was reduced, as Cheit Sing was, to be a dependant on the Company; and to be a greater dependant than Cheit Sing, because it was reserved in Cheit Sing's agreement that we should not interfere in his government. We interfered in every part of the Nabob's government;

we reduced his authority to nothing; we introduced a perfect scene of anarchy and confusion into the country, where there was no authority but to rob and destroy.

I have not strength at present to proceed; but I hope I shall soon be enabled to do so. Your lordships cannot, I am sure, calculate from your own youth and strength; for I have done the best I can, and find myself incapable just at this moment of going any further.

[Adjourned.]

TRIAL.

THURSDAY, 5TH JUNE, 1794.

FOURTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—When I last had the honour of addressing your lordships from this place, my want of strength obliged me to conclude where the patience of a people, and the prosperity of a country subjected by solemn treaties to British government, had concluded. We have left behind us the inhabitants of Benares, after having seen them driven into rebellion by tyranny and oppression, and their country desolated by our misrule. Your lordships, I am sure, have had the map of India before you, and know that the country so destroyed and so desolated was about one-fifth of the size of England and Wales in geographical extent, and equal in population to about a fourth. Upon this scale you will judge of the mischief which has been done.

My lords, we are now come to another devoted province: we march from desolation to desolation; because we follow the steps of Warren Hastings, Esq., Governor-General of Bengal. You will here find the range of his atrocities widely extended. But before I enter into a detail of them, I have one reflection to make, which I beseech your lordships to bear in mind throughout the whole of this deliberation. It

is this; you ought never to conclude that a man must necessarily be obnoxious, because he is in other respects insignificant. You will see that a man bred in obscure, vulgar, and ignoble occupations, and trained in sordid, base, and mercenary habits, is not incapable of doing extensive mischief because he is little, and because his vices are of a mean nature. My lords, we have shown to you already, and we shall demonstrate to you more clearly in future, that such minds placed in authority can do more mischief to a country, can treat all ranks and distinctions with more pride, insolence, and arrogance, than those who have been born under canopies of state and swaddled in purple: you will see that they can waste a country more effectually than the proudest and most mighty conquerors, who by the greatness of their military talents have first subdued and afterwards plundered nations.

The prisoner's counsel have thought proper to entertain your lordships, and to defend their client, by comparing him with the men who are said to have erected a pyramid of ninety thousand human heads. Now, look back, my lords, to Benares; consider the extent of country laid waste and desolated, and its immense population, and then see whether famine may not destroy as well as the sword; and whether this man is not as well entitled to erect his pyramid of ninety thousand heads as any terrific tyrant of the East. We follow him now to another theatre, the territories of the Nabob of Oude.

My lords, Oude (together with the additions made to it by Sujah Dowlah), in point of geographical extent, is about the size of England. Sujah Dowlah, who possessed this country as Nabob, was a prince of a haughty character; ferocious in a high degree towards his enemies, and towards all those who resisted his will. He was magnificent in his expenses, yet economical with regard to his resources; maintaining his court in a pomp and splendour which is perhaps unknown to the sovereigns of Europe. At the same time he was such an economist, that from an inconsiderable revenue, at the beginning of his reign, he was annually enabled to make great savings. He thus preserved, towards the end of it, his people in peace, tranquillity, and order; and though he was an arbitrary prince, he never strained his revenue to such a degree as to lose their affections, while he filled his exchequer.

Such appears to have been the true character of Sujah Dowlah; your lordships have heard what is the character which the prisoner at your bar and his counsel have thought proper to give you of him.

Surely, my lords, the situation of the great, as well as of the lower, ranks in that country must be a subject of melancholy reflection to every man. Your lordships' compassion will, I presume, lead you to feel for the lowest; and I hope that your sympathetic dignity will make you consider in what manner the princes of this country are treated. They have not only been treated at your lordships' bar with indignity by the prisoner, but his counsel do not leave their ancestors to rest quietly in their graves. They have slandered their families, and have gone into scandalous history, that has no foundation in facts whatever.

Your lordships have seen how he attempted to slander the ancestors of Cheit Sing, to deny that they were zemindars; and yet he must have known from printed books, taken from the Company's records, the utter falsity of his declaration. You need only look into Mr. Verelst's Appendix, and there you will see that that country has always been called the zemindary of Bulwant Sing. You will find him always called the zemindar; it was the known acknowledged name, till this gentlemen thought proper at the bar of the House of Commons to deny that he was a zemindar, and to assert that he was only an aumil. He slanders the pedigree of this man as mean and base, yet he was not ashamed to take from him £23,000; in like manner he takes from Azoph ul Dowlah £100,000, which he would have appropriated to himself, and then directs his counsel to rake up the slander of *Dow's* History, a book of no authority, a book that no man values in any respect or degree. In this book they find that romantic, absurd, and ridiculous story, upon which an honourable fellow-manager of mine, who is much more capable than I am of doing justice to the subject, has commented with his usual ability; I allude to that story of spitting on the beard; the mutual compact to poison one another. That Arabian tale, fit only to form a ridiculous tragedy, has been gravely mentioned to your lordships, for the purpose of slandering the pedigree of this vizier of Oude, and making him vile in your lordships' eyes. My honourable friend has exposed to

you the absurdity of these stories, but he has not shown you the malice of their propagators. The prisoner and his counsel have referred to Dow's History, who calls this Nabob "the more infamous son of an infamous Persian pedlar." They wish that your lordships should consider him as a person vilely born, ignominiously educated, and practising a mean trade; in order that, when it shall be proved that he and his family were treated with every kind of indignity and contempt by the prisoner at your bar, the sympathy of mankind should be weakened. Consider, my lords, the monstrous perfidy and ingratitude of this man, who, after receiving great favours from the Nabob, is not satisfied with oppressing his offspring, but goes back to his ancestors, tears them out of their graves, and vilifies them with slanderous aspersions. My lords, the ancestor of Sujah Dowlah was a great prince; certainly a subordinate prince, because he was a servant of the Great Mogul, who was well called King of Kings, for he had in his service persons of high degree. He was born in Persia; but was not, as is falsely said, *the more infamous son of an infamous Persian pedlar.* Your lordships are not unacquainted with the state and history of India; you therefore know that Persia has been the nursery of all the Mahomedan nobility of India; almost everything in that country which is not of Gentoo origin is of Persian; so much so that the Persian language is the language of the court, and of every office from the highest to the lowest. Among these noble Persians, the family of the Nabob stands in the highest degree. His father's ancestors were of noble descent, and those of his mother, Munny Begum, more eminently and more illustriously so. This distinguished family, on no better authority than that of the historian Dow, has been slandered by the prisoner at your bar, in order to destroy the character of those whom he had already robbed of their substance. Your lordships will have observed with disgust, how the Dows and the Hastingses, and the whole of that tribe, treat their superiors; in what insolent language they speak of them, and with what pride and indignity they trample upon the first names and the first characters in that devoted country.

But supposing it perfectly true that this man was "the more infamous son of an infamous Persian pedlar:" he had

risen to be the secondary sovereign of that country. He had a revenue of £3,600,000 sterling; a vast and immense revenue; equal perhaps to the clear revenue of the king of England. He maintained an army of one hundred and twenty thousand men. He had a splendid court, and his country was prosperous and happy. Such was the situation of Sujah Dowlah, the Nabob of Oude, and such the condition of Oude under his government. With his pedigree, I believe, your lordships will think we have nothing to do in the cause now before us. It has been pressed upon us; and this marks the indecency, the rancour, the insolence, the pride, and tyranny which the Dows and the Hastingses, and the people of that class and character, are in the habit of exercising over the great in India.

My lords, I shall be saved a great deal of trouble in proving to you the flourishing state of Oude, because the prisoner admits it as largely as I could wish to state it; and, what is more, he admits too the truth of our statement of the condition to which it is now reduced (but I shall not let him off so easily upon this point). He admits, too, that it was left in this reduced and ruined state at the close of his administration. In his defence he attributes the whole mischief generally to a faulty system of government. My lords, systems never make mankind happy or unhappy, any further than as they give occasions for wicked men to exercise their own abominable talents, subservient to their own more abominable dispositions. The system, says Mr. Hastings, was bad; but I was not the maker of it. Your lordships have seen him apply this mode of reasoning to Benares, and you will now see that he applies it to Oude. I came, says he, into a bad system; that system was not of my making, but I was obliged to act according to the spirit of it.

Now every honest man would say, I came to a bad system; I had every facility of abusing my power; I had every temptation to peculate; I had every incitement to oppress; I had every means of concealment, by the defects of the system: but I corrected that evil system by the goodness of my administration; by the prudence, the energy, the virtue of my conduct. This is what all the rest of the world would say: but what says Mr. Hastings? A bad system was made to my hands; I had nothing to do in making it. I was alto-

gether an involuntary instrument and obliged to execute every evil which that system contained. This is the line of conduct your lordships are called to decide upon. And I must here again remind you that we are at an issue of law. Mr. Hastings has avowed a certain set of principles upon which he acts; and your lordships are therefore to judge whether his acts are justifiable, because he found an evil system to act upon; or whether he and all governors upon earth have not a general good system upon which they ought to act.

The prisoner tells you, my lords, that it was in consequence of this evil system, that the Nabob, from being a powerful prince, became reduced to a wretched dependant on the Company, and subject to all the evils of that degraded state: —subject to extortion, to indignity, to oppression. All these your lordships are called upon to sanction: and because they may be connected with an existing system, you are to declare them to be an allowable part of a code for the government of British India.

In the year 1775, that powerful, magnificent, and illustrious prince, Sujah Dowlah, died in possession of the country of Oude. He had long governed a happy and contented people; and if we except the portion of tyranny which we admit he really did exercise towards some few individuals who resisted his power, he was a wise and beneficent governor. This prince died in the midst of his power and fortune, leaving somewhere about fourscore children. Your lordships know that the princes of the East have a great number of wives; and we know that these women, though reputed of a secondary rank, are yet of a very high degree, and honourably maintained according to the customs of the East. Sujah Dowlah had but one lawful wife: he had by her but one lawful child, Azoph ul Dowlah. He had about twenty-one male children; the eldest of whom was a person whom you have heard of very often in these proceedings, called Saadit Ali. Azoph ul Dowlah, being the sole legitimate son, had all the pretensions to succeed his father as sabadar of Oude, which could belong to any person under the Mogul government.

Your lordships will distinguish between a zemindar, who is a perpetual landholder, the hereditary proprietor of an estate,—and a subadar, who derives from his master's will and

pleasure all his employments, and who, instead of having the jaghirdars subject to his supposed arbitrary will, is himself a subject, and must have his sovereign's patent for his place. Therefore, strictly and properly speaking, there is no succession in the office of subadar. At this time the Company, who alone could obtain the sunnuds or patent from the Great Mogul, upon account of the power they possessed in India, thought, and thought rightly, that with an officer who had no hereditary power there could be no hereditary engagements; and that in their treaty with Azoph ul Dowlah, for whom they had procured the sunnud from the Great Mogul, they were at liberty to propose their own terms, which, if honourable and mutually advantageous to the new subadar and to the Company, they had a right to insist upon. A treaty was therefore concluded between the Company and Azoph ul Dowlah, in which the latter stipulated to pay a fixed subsidy for the maintenance of a certain number of troops; by which the Company's finances were greatly relieved and their military strength greatly increased.

This treaty did not contain one word which could justify any interference in the Nabob's government. That evil system, as Mr. Hastings calls it, is not even mentioned or alluded to; nor is there, I again say, one word which authorized Warren Hastings, or any other person whatever, to interfere in the interior affairs of his country. He was legally constituted viceroy of Oude. His dignity of vizier of the empire, with all the power which that office gave him, derived from and held under the Mogul government, he legally possessed; and this evil system, which, Mr. Hastings says, led him to commit the enormities of which you shall hear by and by, was neither more nor less than what I have now stated.

But, my lords, the prisoner thinks that when, under any pretence, any sort of means could be furnished of interfering in the government of the country, he has a right to avail himself of them; to use them at his pleasure; and to govern by his own arbitrary will. The vizier, he says, by this treaty was reduced to a state of vassalage; and he makes this curious distinction in proof of it. It was, he says, an optional vassalage, for if he chose to get rid of our troops, he might do so and be free; if he had not a mind to do that,

and found a benefit in it, then he was a vassal. But there is nothing less true. Here is a person who keeps a subsidiary body of your troops, which he is to pay for you, and in consequence of this Mr. Hastings maintains that he becomes a vassal. I shall not dispute whether vassalage is optional, or by force, or in what way Mr. Hastings considered this prince as a vassal of the Company. Let it be as he pleased. I only think it necessary that your lordships should truly know the actual state of that country, and the ground upon which Mr. Hastings stood. Your lordships will find it a fairy land, in which there is a perpetual masquerade, where no one thing appears as it really is, where the person who seems to have the authority is a slave, while the person who seems to be the slave has the authority. In that ambiguous government everything favours fraud; everything favours peculation; everything favours violence; everything favours concealment. You will, therefore, permit me to show to you what were the principles upon which Mr. Hastings appears, according to the evidence before you, to have acted; what the state of the country was, according to his conceptions of it; and then you will see how he applied those principles to that state.

"The means by which our government acquired this influence," says Mr. Hastings, "and its right to exercise it, will require a previous explanation." He then proceeds, "With his death (Sujah Dowlah's) a new political system commenced, and Mr. Bristow was constituted the instrument of its formation, and the trustee for the management of it. The Nabob Azoph ul Dowlah was deprived of a large part of his inheritance; I mean the province of Benares, attached by a very feeble and precarious tenure to our dominions; the army fixed to a permanent station in a remote line of his frontier, with an augmented and perpetual subsidy. A new army, amphibiously composed of troops in his service and pay, commanded by English officers of our own nomination, for the defence of his new conquests, and his own natural troops annihilated, or alienated by the insufficiency of his revenue for all his disbursements; and the prior claims of those which our authority or influence commanded: in a word, he became a vassal of the government, but he still possessed an ostensible sovereignty. His titular rank of vizier of the empire rendered him a conspicuous object of view to all the states

and chiefs of India; and on the moderation and justice with which the British government in Bengal exercised its influence over him, many points most essential to its political strength and to the honour of the British name depended."

Your lordships see, that the system which is supposed to have reduced him to vassalage did not make, as he contends, a violent exercise of our power necessary or proper; but possessing, as the Nabob did, that high nominal dignity, and being in that state of vassalage, as Mr. Hastings thought proper to term it, though there is no vassalage mentioned in the treaty; being, I say, in that situation of honour, credit, and character, sovereign of a country as large as England, yielding an immense revenue, and flourishing in trade; certainly our honour depended upon the use we made of that influence which our power gave us over him; and we therefore press it upon your lordships, that the conduct of Mr. Hastings was such as dishonoured this nation.

He proceeds: "That is not a place, nor have I room in it to prove, what I shall here content myself with affirming, that by a sacred and undeviating observance of every principle of public faith the British dominion might have by this time acquired the means of its extension, through a virtual submission to its authority, to every region of Hindostan and Deccan. I am not sure that I should advise such a design, were it practicable, which at this time it certainly is not, and I very much fear that the limited formation of such equal alliances as might be useful to our present condition, and conduce to its improvement, is become liable to almost insurmountable difficulties; every power in India must wish for the support of ours, but they all dread the connexion.

"The subjection of Bengal, and the deprivation of the family of Jaffier Ali Khân, though an effect of inevitable necessity, the present usurpations of the rights of the Nabob Wallar Jau in the Carnatic, and the licentious violations of the treaty existing between the Company and the Nabob Nizam ul Dowlah, though checked by the remedial interposition of this government, stand as terrible precedents against us; the effects of our connexion with the Nabob Azoph ul Dowlah had a rapid tendency to the same consequences, and it has been my invariable study to prevent it."

Your lordships will remember that the counsel at the bar

have said, that they undertook the defence of Warren Hastings, not in order to defend him, but to rescue the British character from the imputations which have been laid upon it by the Commons of Great Britain. They have said, that the Commons of Great Britain have slandered their country, and have misrepresented its character; while, on the contrary, the servants of the Company have sustained and maintained the dignity of the English character, have kept its public faith inviolate, preserved the people from oppression, reconciled every government to it in India, and have made every person under it prosperous and happy.

My lords, you see what this man says himself, when endeavouring to prove his own innocence. Instead of proving it by the facts alleged by his counsel, he declares that, by preserving good faith, you might have conquered India, the most glorious conquest that was ever made in the world; that all the people want our assistance, but dread our connexion. Why? Because our whole conduct has been one perpetual tissue of perfidy and breach of faith with every person who has been in alliance with us, in any mode whatever; here is the man himself who says it. Can we bear that this man should now stand up in this place as the assertor of the honour of the British nation against us, who charge this dishonour to have fallen upon us by him, through him, and during his government?

But all the mischief, he goes on to assert, was in the previous system, in the formation of which he had no share; the system of 1775, when the first treaty with the Nabob was made. "That system," says he, "is not mine, it was made by General Clavering, Colonel Monson, and Mr. Francis." So it was, my lords. It did them very great honour; and I believe it ever will do them honour, in the eyes of the British nation, that they took an opportunity, without the violation of faith, without the breach of any one treaty, and without injury to any person, to do great and eminent services to the Company; but Mr. Hastings disclaims it, unnecessarily disclaims it, for no one charges him with it. What we charge him with is the abuse of that system. To one of these abuses I will now call your lordships' attention. Finding, soon after his appointment to the office of Governor-General, that the Nabob was likely to get into debt, he turns him into

a vassal, and resolves to treat him as such. You will observe that this is not the only instance in which, upon a failure of payment, the defaulter becomes directly a vassal. You remember how Durbedgy Sing, the moment he fell into an arrear of tribute, became a vassal, and was thrown into prison, without any inquiry into the causes which occasioned that arrear. With respect to the Nabob of Oude, we assert, and can prove, that his revenue was £3,600,000 at the day of his father's death; and if the revenue fell off afterwards, there was abundant reason to believe that he possessed in abundance the means of paying the Company every farthing. Before I quit this subject, your lordships will again permit me to reprobate the malicious insinuations by which Mr. Hastings has thought proper to slander the virtuous persons who are the authors of that system which he complains of. They are men whose characters this country will ever respect, honour, and revere, both the living and the dead; the dead for the living, and the living for the dead. They will altogether be revered for a conduct honourable and glorious to Great Britain; whilst their names stand, as they now do, unspotted by the least imputation of oppression, breach of faith, perjury, bribery, or any other fraud whatever. I know there was a faction formed against them, upon that very account. Be corrupt, you have friends; stem the torrent of corruption, you open a thousand venal mouths against you. Men resolved to do their duty must be content to suffer such opprobrium, and I am content; in the name of the living and of the dead, and in the name of the Commons, I glory in our having appointed some good servants, at least, to India.

But to proceed. "This system was not," says he, "of my making." You would then naturally imagine that the persons who made this abominable system had also made some tyrannous use of it. Let us see what use they made of it during the time of their majority in the council. There was an arrear of subsidy due from the Nabob. How it came into arrear, we shall consider hereafter. The Nabob proposed to pay it by taxing the jaghires of his family, and taking some money from the Begum. This was consented to by Mr. Bristow, at that time resident for the Company in Oude; and to this arrangement Azoph ul Dowlah and his advisers lent a willing ear. What did Mr. Hastings then say of this trans-

action? He called it a violent assumption of power on the part of the council. He did not, you see, then allow that a bad system justified any persons whatever in an abuse of it. He contended that it was a violent attack upon the rights and property of the parties from whom the money was to be taken; that it had no ground or foundation in justice whatever, and that it was contrary to every principle of right and equity.

Your lordships will please to bear in mind, that afterwards, by his own consent, and the consent of the rest of the council, this business was compromised between the son, the mother, and their relations. A very great sum of money, which was most useful to the Company at that period, was raised by a family compact and arrangement among themselves. This proceeding was sanctioned by the Company, Mr. Hastings himself consenting; and a pledge was given to the Begums and family of the Nabob that this should be the last demand made upon them, that it should be considered not as taken compulsively, but as a friendly and amicable donation. They never admitted, nor did the Nabob ever contend, that he had any right at all to take this money from them. At that time, it was not Mr. Hastings's opinion that the badness of the system would justify any violence as a consequence of it; and when the advancement of the money was agreed to between the parties, as a family and amicable compact, he was as ready as anybody to propose and sanction a regular treaty between the parties, that all claims on one side, and all kind of uneasiness on the other, should cease for ever, under the guardianship of British faith.

Mr. Hastings, as your lordships remember, has conceded that British faith is the support of the British empire; that if that empire is to be maintained, it is to be maintained by good faith; that if it is to be propagated, it is to be propagated by public faith; and that if the British empire falls, it will be through perfidy and violence. These are the principles which he assumes when he chooses to reproach others. But when he has to defend his own perfidy and breaches of faith, then, as your lordships will find set forth in his defence before the House of Commons on the Benares charge, he denies, or at least questions, the validity of any treaty that can at present be made with India. He declares that he

considers all treaties as being weakened by a considerable degree of doubt respecting their validity and their binding force, in such a state of things as exists in India.

Whatever was done, during that period of time to which I have alluded, by the majority of the council, Mr. Hastings considered himself as having nothing to do with, on the plea of his being a dissentient member: a principle which, like other principles, I shall take some notice of by and by. Colonel Monson and General Clavering died soon after, and Mr. Hastings obtained a majority in the council, and was then, as he calls it, restored to his authority; so that any evil that could be done by evil men, under that evil system, could have lasted but for a very short time indeed. From that moment Mr. Hastings, in my opinion, became responsible for every act done in council while he was there, which he did not resist; and for every engagement which he did not oppose. For your lordships will not bear that miserable jargon which you have heard, shameful to office and to official authority, that a man, when he happens not to find himself in a majority upon any measure, may think himself excusable for the total neglect of his duty; that in such a situation he is not bound to propose anything that it might be proper to propose, or to resist anything that it might be proper to resist. What would be the inference from such an assumption? That he can never act in a commission; that unless a man has the supreme power, he is not responsible for anything he does or neglects to do. This is another principle which your lordships will see constantly asserted and constantly referred to by Mr. Hastings. Now I do contend, that notwithstanding his having been in a minority, if there was anything to be done that could prevent oppressive consequences, he was bound to do that thing; and that he was bound to propose every possible remedial measure. This proud, rebellious proposition against the law, that any one individual in the council may say that he is responsible for nothing, because he is not the whole council, calls for your lordships' strongest reprobation.

I must now beg leave to observe to you, that the treaty was made (and I wish your lordships to advert to dates) in the year 1775. Mr. Hastings acquired the majority in something more than a year afterwards; and therefore, supposing

the acts of the former majority to have been ever so iniquitous, their power lasted but a short time. From the year 1776 to 1784, Mr. Hastings had the whole government of Oude in himself, by having the majority in the council. My lords, it is no offence that a governor-general, or anybody else, has the majority in the council. To have the government in himself is no offence. Neither was it any offence, if you please, that the Nabob was virtually a vassal to the Company, as he contends he was; for the question is not what a governor-general *may* do, but what Warren Hastings did do. He who has a majority in council, and records his own acts there, may justify these acts as legal; I mean the mode is legal. But as he executes whatever he proposes as governor-general, he is solely responsible for the *nature* of the acts themselves.

I shall now show your lordships, that Mr. Hastings, finding, as he states, the Nabob to be made, by the treaty in 1775, eventually a vassal to the Company, has thought proper to make him a vassal to himself, for his own private purposes. Your lordships will see what corrupt and iniquitous purposes they were. In the first place, in order to annihilate in effect the council, and to take wholly from them their control in the affairs of Oude, he suppressed [your lordships will find the fact proved in your minutes] the Persian correspondence, which was the whole correspondence of Oude. This whole correspondence was secreted by him, and kept from the council. It was never communicated to the Persian translator of the Company, Mr. Colebrooke, who had a salary for executing that office. It was secreted and kept in the private cabinet of Mr. Hastings; from the period of 1781 to 1785, no part of it was communicated to the council. There is nothing, as your lordships have often found in this trial, that speaks for the man like himself;—there is nothing will speak for his conduct like the records of the Company.

"Fort William, 19th February, 785.

"*At a Council; present, the honourable John Macpherson, Esq., Governor-General, President, and John Stables, Esq.*

"The Persian translator attending, in obedience to the board's orders, reports, that since the end of the year 1781

there have been no books of correspondence kept in his office; because from that time until the late Governor-General's departure, he was employed but once by the governor-general to manage the correspondence, during a short visit which Major Davy, the military Persian interpreter, paid by the governor's order to Lucknow. That during that whole period of three years he remained entirely ignorant of the correspondence, as he was applied to on no occasion, except for a few papers sometimes sent to him by the secretaries, which he always returned to them as soon as translated.

"The Persian translator has received from Mr. Scott, since the late Governor-General's departure, a trunk containing English drafts and translations, and the Persian originals of letters and papers, with three books in the Persian language, containing copies of letters, written between August, 1782, and January, 1785; and if the board should please to order the secretaries of the general department to furnish him with copies of all translations and drafts recorded in their consultations, between the 1st of January, 1782, and the 31st of January, 1785, he thinks that he should be able, with what he has found in Captain Scott's trunk, to make up the correspondence for that period.

"(Signed) EDWARD COLEBROOKE,
Persian Translator."

Hear then, my lords, what becomes of the records of the Company, which were to be the vouchers for every public act, which were to show whether, in the Company's transactions, agreements, and treaties with the native powers, the public faith was kept or not. You see them all crammed into Mr. Scott's trunk; a trunk into which they put what they please, take out what they please, suppress what they please, or thrust in whatever will answer their purpose. The records of the Governor-General and council of Bengal are kept in Captain Jonathan Scott's trunk; this trunk is to be considered as the real and true channel of intelligence between the Company and the country powers; but even this channel was not open to any member of the council, except Mr. Hastings; and when the council, for the first time, daring to think for themselves, call upon the Persian translator, he knows nothing about it. We find that it is given into

the hands of a person nominated by Mr. Hastings, Major Davy. What do the Company know of him? Why, he was Mr. Hastings's private secretary. In this manner the council have been annihilated during all these transactions, and have no other knowledge of them than just what Mr. Hastings and his trunk-keeper thought proper to give them. All then that we know of these transactions is from this miserable, imperfect, garbled correspondence.

But even if these papers contained a full and faithful account of the correspondence, what we charge is its not being delivered to the council as it occurred from time to time. Mr. Hastings kept the whole government of Oude in his own hands, so that the council had no power of judging his acts, of checking, controlling, advising, or remonstrating. It was totally annihilated by him; and we charge, as an act of treason and rebellion against the act of parliament by which he held his office, his depriving the council of their legitimate authority, by shutting them out from the knowledge of all affairs, except indeed when he thought it expedient, for his own justification, to have their nominal concurrence or subsequent acquiescence in any of his more violent measures.

Your lordships see Mr. Hastings's system, a system of concealment, a system of turning the vassals of the Company into his own vassals, to make them contributory, not to the Company, but to himself. He has avowed this system in Benares; he has avowed it in Oude. It was his constant practice. Your lordships see, in Oude he kept a correspondence with Mr. Markham for years, and did alone all the material acts which ought to have been done in council. He delegated a power to Mr. Markham which he had not to delegate; and you will see he has done the same in every part of India.

We first charge him, not only with acting without authority, but with a strong presumption, founded on his concealment, of intending to act mischievously. We next charge his concealing and withdrawing correspondence as being directly contrary to the orders of the court of directors, the practice of his office, and the very nature and existence of the council in which he was appointed to preside. We charge this as a substantive crime, and as the forerunner of the oppression, desolation, and ruin of that miserable country.

Mr. Hastings having thus rendered the council blind and ignorant, and consequently fit for subserviency, what does he next do? I am speaking not with regard to the time of his particular acts, but with regard to the general spirit of the proceedings. He next flies in the face of the Company, upon the same principle on which he removed Mr. Fowke from Benares. "I removed *him* on political grounds," says he, "against the orders of the court of directors, because I thought it necessary that the resident should be a man of my own nomination and confidence." At Oude he proceeds on the same principle. Mr. Bristow had been nominated to the office of resident by the court of directors. Mr. Hastings, by an act of parliament, was ordered to obey the court of directors. He positively refuses to receive Mr. Bristow, for no other reason, that we know of, but because he was nominated by the court of directors; he defies the court, and declares in effect that they shall not govern that province, but that he will govern it by a resident of his own.

Your lordships will mark his progress in the establishment of that new system, which, he says, he had been obliged to adopt by the evil system of his predecessors. First, he annihilates the council, formed by an act of parliament and by order of the court of directors. In the second place, he defies the order of the court, who had the undoubted nomination of all their own servants, and who ordered him, under the severest injunction, to appoint Mr. Bristow to the office of resident in Oude. He for some time refused to nominate Mr. Bristow to that office; and even when he was forced, against his will, to permit him for a while to be there, he sent Mr. Middleton and Mr. Johnson, who annihilated Mr. Bristow's authority so completely, that no one public act passed through his hands.

After he had ended this conflict with the directors, and had entirely shook off their authority, he resolved that the native powers should know that they were not to look to the court of directors, but to look to his arbitrary will in all things; and therefore, to the astonishment of the world, and as if it were designedly to expose the nakedness of the parliament of Great Britain, to expose the nakedness of the laws of Great Britain, and the nakedness of the authority of the court of directors to the country powers, he wrote a letter, which

your lordships will find in page 795 of the printed minutes. In this letter the secret of his government is discovered to the country powers. They are given to understand, that whatever exaction, whatever oppression or ruin they may suffer, they are to look nowhere for relief but to him. Not to the council, not to the court of directors, not to the sovereign authority of Great Britain, but to him and him only.

Before we proceed to this letter, we will first read to you the minute of council by which he dismissed Mr. Bristow upon a former occasion (it is in page 507 of the printed minutes), that your lordships may see his audacious defiance of the laws of the country. We wish, I say, before we show you the horrible and fatal effects of this his defiance, to impress continually upon your lordships' minds, that this man is to be tried by the laws of the country; and that it is not in his power to annihilate their authority and the authority of his masters. We insist upon it that every man under the authority of this country is bound to obey its laws. This minute relates to his first removal of Mr. Bristow. I read it in order to show that he dared to defy the court of directors so early as the year 1776. "Resolved that Mr. John Bristow be recalled to the presidency, from the court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the appointment of resident at that court, subject to the orders and authority of the Governor-General and council, conformably to the motion of the Governor-General." I will next read to your lordships the orders of the directors for his reïnstatement, on the 4th of July, 1777. "Upon the most careful perusal of your proceedings, upon the 2nd of December, 1776, relative to the recall of Mr. Bristow from the court of the Nabob of Oude, and the appointment of Mr. Nathaniel Middleton to that station, we must declare our strongest disapprobation of the whole of that transaction. We observe that the Governor-General's motion for the recall of Mr. Bristow includes that for the restoration of Mr. Nathaniel Middleton; but as neither of those measures appear to us necessary or even justifiable, they cannot receive our approbation.

"With respect to Mr. Bristow, we find no shadow of charge against him; it appears that he has executed his trust to the entire satisfaction even of those members of the coun-

cil who did not concur in his appointment. You have unanimously recommended him to our notice—attention to your recommendation has induced us to afford him marks of our favour, and to reännex the emoluments affixed by you to his appointment, which had been discontinued by our order; and as we must be of opinion that a person of acknowledged abilities, whose conduct has thus gained him the esteem of his superiors, ought not to be degraded without just cause, we do not hesitate to interpose in his behalf; and therefore direct that Mr. Bristow do forthwith return to his station of resident at Oude, from which he has been so improperly removed."

Upon the receipt of these orders by the council, Mr. Francis, then a member of the council, moves, "That, in obedience to the Company's orders, Mr. Bristow be forthwith appointed and directed to return to his station of resident at Oude; and that Mr. Purling be ordered to deliver over charge of the office to Mr. Bristow, immediately on his arrival, and return himself forthwith to the presidency. Also that the Governor-General be requested to furnish Mr. Bristow with the usual letter of credence to the Nabob Vizier."

Upon this motion being made, Mr. Hastings entered the following minute. "I will ask, who is Mr. Bristow, that a member of the administration should at such a time hold him forth as an instrument for the degradation of the first executive member of this government? What are the professed objects of his appointment? What are the merits and services, or what the qualifications, which entitle him to such an uncommon distinction? Is it for his superior integrity or from his eminent abilities, that he is to be dignified at such hazards of every consideration that ought to influence members of this administration? Of the former I know no proofs; I am sure that it is not an evidence of it that he has been enabled to make himself the principal in such a competition; and, for the test of his abilities, I appeal to the letter which he has dared to write to this board, and which I am ashamed to say we have suffered. I desire that a copy of it may be inserted in this day's proceedings, that it may stand before the eyes of every member of the board, when he shall give his vote upon a question for giving their confidence to a man, their servant, who has publicly insulted them, his mas-

ters, and the members of the government, to whom he owes his obedience; who, assuming an association with the court of directors, and erecting himself into a tribunal, has arraigned them for disobedience of orders, passed judgment upon them, and condemned or acquitted them as their magistrate and superior. Let the board consider whether a man possessed of so independent a spirit, who has already shown such a contempt of their authority, who has shown himself so wretched an advocate for his own cause, and negotiator for his own interest, is fit to be trusted with the guardianship of their honour, the execution of their measures, and as their confidential manager and negotiator with the princes of India."

My lords, you here see an instance of what I have before stated to your lordships, and what I shall take the liberty of recommending to your constant consideration. You see that a tyrant and a rebel is one and the same thing. You see this man, at the very time that he is a direct rebel to the Company, arbitrarily and tyrannically displacing Mr. Bristow, although he had previously joined in the approbation of his conduct, and in voting him a pecuniary reward. He is ordered by the court of directors to restore that person, who desires in a suppliant, decent, proper tone, that the Company's orders should produce their effect, and that the council would have the goodness to restore him to his situation.

My lords, you have seen the audacious insolence, the tyrannical pride, with which he dares to treat this order. You have seen the recorded minute which he has dared to send to the court of directors; and in this you see, that when he cannot directly asperse a man's conduct, and has nothing to say against it, he maliciously, I should perhaps rather say enviously, insinuates that he had unjustly made his fortune. "You are," says he, "to judge from the independence of his manner and style, whether he could or no have got that without some unjust means." God forbid I should ever be able to invent anything that can equal the impudence of what this man dares to write to his superiors, or the insolent style in which he dares to treat persons who are not his servants.

Who made the servants of the Company the master of the servants of the Company? The court of directors are their fellow servants; they are all the servants of this kingdom.

Still the claim of a fellow servant to hold an office which the court of directors had legally appointed him to, is considered by this audacious tyrant as an insult to him. By this you may judge how he treats, not only the servants of the Company, but the natives of the country, and by what means he has brought them into that abject state of servitude, in which they are ready to do anything he wishes, and to sign anything he dictates. I must again beg your lordships to remark what this man has had the folly and impudence to place upon the records of the council of which he was president; and I will venture to assert that so extraordinary a performance never before appeared on the records of any court, Eastern or European. Because Mr. Bristow claims an office which is his right and his freehold as long as the Company chooses, Mr. Hastings accuses him of being an accomplice with the court of directors in a conspiracy against him; and because, after long delays, he had presented an humble petition to have the court of directors' orders in his favour carried into execution, "he says, he has erected himself into a tribunal of justice; that he has arraigned the council for disobedience of orders, passed judgment upon them, and condemned or acquitted them as their magistrate and superior."

Let us suppose his Majesty to have been pleased to appoint any one to an office in the gift of the crown; what should we think of the person whose business it was to execute the king's commands, if he should say to the person appointed, when he claimed his office, you shall not have it; you assume to be my superior, and you disgrace and dishonour me? Good God! my lords, where was this language learned; in what country, and in what barbarous nation of Hottentots was this jargon picked up? For there is no Eastern court that I ever heard of (and I believe I have been as conversant with the manners and customs of the East as most persons whose business has not directly led them into that country) where such conduct would have been tolerated. A bashaw, if he should be ordered by the Grand Seignor to invest another with his office, puts the letter upon his head, and obedience immediately follows.

But the obedience of a barbarous magistrate should not be compared to the obedience which a British subject owes to the laws of his country. Mr. Hastings receives an order,

which he should have instantly obeyed. He is reminded of this by the person who suffers from his disobedience: and this proves that person to be possessed of too independent a spirit. Aye, my lords, here is the grievance—no man can dare show in India an independent spirit. It is this, and not his having shown such a contempt of their authority, not his having shown himself so wretched an advocate for his own cause, and so bad a negotiator for his own interest, that makes him unfit to be trusted with the guardianship of their honour, the execution of their measures, and to be their confidential manager and negotiator with the princes of India.

But, my lords, what is this want of skill which Mr. Bristow has shown in negotiating his own affairs? Mr. Hastings will inform us. He should have pocketed the letter of the court of directors; he should never have made the least mention of it; he should have come to my banyan, Cantoo Baboo; he should have offered him a bribe upon the occasion. That would have been the way to succeed with me, who am a public-spirited taker of bribes and nuzzeers. But this base fool—this man, who is but a vile negotiator for his own interest, has dared to accept the patronage of the court of directors. He should have secured the protection of Cantoo Baboo, their more efficient rival. This would have been the skilful mode of doing the business. But this man, it seems, had not only shown himself an unskilful negotiator,—he had likewise afforded evidence of his want of integrity. And what is this evidence? His having "enabled himself to become the *principal* in such a competition." That is to say, he had by his meritorious conduct in the service of his masters, the directors, obtained their approbation and favour. Mr. Hastings then contemptuously adds, "and, for the test of his abilities, I appeal to the letter which he has dared to write to the board, and which, I am ashamed to say, we have suffered." Whatever that letter may be, I will venture to say there is not a word or syllable in it that tastes of such insolence and arbitrariness, with regard to the servants of the Company, his fellow servants,—of such audacious rebellion, with regard to the laws of his country, as are contained in this minute of Mr. Hastings.

But, my lords, why did he choose to have Mr. Middleton appointed resident? Your lordships have not seen Mr. Bris-

tow. You have only heard of him as a humble suppliant, to have the orders of the Company obeyed: but you have seen Mr. Middleton. You know that Mr. Middleton is a good man to keep a secret: I describe him no further. You know what qualifications Mr. Hastings requires in a favourite; you also know why he was turned out of his employment, with the approbation of the court of directors; that it was principally because, when resident in Oude, he positively, audaciously, and rebelliously refused to lay before the council the correspondence with the country powers. He says he gave it up to Mr. Hastings; whether he has or has not destroyed it we know not; all we know of it is, that it is not found to this hour. We cannot even find Mr. Middleton's trunk, though Mr. Jonathan Scott did at last produce his. The whole of the Persian correspondence, during Mr. Middleton's residence, was refused, as I have said, to the board at Calcutta and to the court of directors; was refused to the legal authorities; and Mr. Middleton, for that very refusal, was again appointed by Mr. Hastings to supersede Mr. Bristow, removed without a pretence of offence; he received, I say, this appointment from Mr. Hastings, as a reward for that servile compliance, by which he dissolved every tie between himself and his legal masters.

The matter being now brought to a simple issue, whether the Governor-General is or is not bound to obey his superiors, I shall here leave it with your lordships, and I have only to beg your lordships will remark the course of events as they follow each other; keeping in mind that the prisoner at your bar declared Mr. Bristow to be a man of suspected integrity, on account of his independence, and deficient in ability, because he did not know how best to promote his own interest.

I must here state to your lordships, that it was the duty of the resident to transact the money concerns of the Company, as well as its political negotiations; you will now see how Mr. Hastings divided that duty after he became apprehensive, that the court of directors might be inclined to assert their own authority, and to assert it in a proper manner, which they so rarely did. When, therefore, his passion had cooled, when his resentment of those violent indignities which had been offered to him, namely, the indignity of being put in mind

that he had any superior under heaven (for I know of no other), he adopts the expedient of dividing the residency into two offices; he makes a fair compromise between himself and the directors. He appoints Mr. Middleton to the management of the money concerns, and Mr. Bristow to that of the political affairs. Your lordships see that Mr. Bristow, upon whom he had fixed the disqualification for political affairs, was the very person appointed to that department; and to Mr. Middleton, the man of his confidence, he gives the management of the money transactions. He discovers plainly where his heart was; for where your treasure is, there will your heart be also. This private agent, this stifler of correspondence, a man whose costive retention discovers no secret committed to him, and whose slippery memory is subject to a diarrhœa, which permits everything he did know to escape; this very man he places in a situation where his talents could only be useful for concealment, and where concealment could only be used to cover fraud; while Mr. Bristow, who was by his official engagement responsible to the Company for fair and clear accounts, was appointed superintendent of political affairs, an office for which Mr. Hastings declared he was totally unfit.

My lords, you will judge of the designs which the prisoner had in contemplation, when he dared to commit this act of rebellion against the Company; you will see that it could not have been any other than getting the money transactions of Oude into his own hands. The presumption of a corrupt motive is here as strong as, I believe, it possibly can be.

The next point to which I have to direct your lordships' attention is that part of the prisoner's conduct in this matter by which he exposed the nakedness of the Company's authority to the native powers. You would imagine that after the first dismissal of Mr. Bristow, Mr. Hastings would have done with him for ever, that nothing could have induced him again to bring forward a man who had dared to insult him, a man who had shown an independent spirit, a man who had dishonoured the council and insulted his masters, a man of doubtful integrity, and convicted unfitness for office. But, my lords, in the face of all this he afterwards sends this very man with undivided authority into the country as sole resident: and now your lordships shall hear in what manner he

accounts for this appointment to Gobind Ram, the vakeel or ambassador of the Nabob Azoph ul Dowlah at Calcutta. It is in page 795 of the printed minutes.

Extract of an Arzee sent by Rajah Gobind Ram to the Vizier, by the Governor-General's directions, and written the 27th of August, 1782.

"This day the Governor-General sent for me in private; after recapitulating the various informations he had received respecting the anarchy and confusion said to reign throughout your highness's, country; and complains that neither your highness, nor Hyder Beg Khân, nor Mr. Middleton, nor Mr. Johnson, ever wrote to him on the state of your affairs, or if he ever received a letter from your presence it always contained assertions contrary to the above informations; the Governor-General proceeded as follows:—That it was his intention to have appointed Mr. David Anderson to attend upon your highness, but that he was still with Scindia, and there was no prospect of his speedy return from his camp; therefore it was now his wish to appoint Mr. John Bristow, who was well experienced in business, to Lucknow. That when Mr. Bristow formerly held the office of resident there, he was not appointed by him; and that notwithstanding he had not shown any instances of disobedience, yet he had deemed it necessary to recall him because he had been patronized and appointed by gentlemen who were in opposition to him, and had contradicted and thwarted all his measures; that this had been his reason for recalling Mr. Bristow. That since Mr. Francis's return to Europe, and the arrival of information there of the deaths of the other gentlemen, the king and the Company had declared their approbation of his (the Governor-General's) conduct, and had conferred upon him the most ample powers; that they had sent out Mr. Macpherson, who was his old and particular friend; and that Mr. Stables, that was on his way here as a member of the supreme council, was also his particular friend; that Mr. Wheler had received letters from Europe, informing him that the members of the council were enjoined all of them to coöperate and act in conjunction with him, in every measure which should be agreeable to him; and that there was no one in council now, who was not united with him, and consequently that his authority

was perfect and complete; that Mr. Bristow, as it was known to me, had returned to Europe; but that during his stay there he had never said anything disrespectful of him, or endeavoured to injure him; on the contrary, he had received accounts from Europe that Mr. Bristow had spoken much in his praise; so that Mr. Bristow's friends had become his friends; that Mr. Bristow had lately been introduced to him by Mr. Macpherson, had explained his past conduct perfectly to his satisfaction, and had requested from him the appointment to Lucknow; and had declared, in the event of his obtaining the appointment, that he should show every mark of attention and obedience to the pleasure of your highness, and his, the Governor's; saying that your highness was well pleased with him, and that he knew what you had written formerly was at the instigation of Mr. Middleton; that in consequence of the foregoing, he, the Governor, had determined to have appointed Mr. Bristow to Lucknow, but had postponed his dismission to his office, for the following reasons (videlicet), people at Lucknow might think that Mr. Bristow had obtained his appointment in consequence of orders from Europe, and contrary to the Governor's inclination; but as the contrary was the case, and as he now considered Mr. Bristow as the object of his own particular patronage, therefore he directed me to forward Mr. Bristow's arzee to the presence; and that it was the Governor's wish that your highness, on the receipt thereof, would write a letter to him, and, as from yourself, request of him that Mr. Bristow may be appointed to Lucknow, and that you would write an answer to this arzee, expressive of your personal satisfaction on the subject; the Governor concluded with injunctions, that until the arrival of your highness's letter, requesting the appointment of Mr. Bristow, and your answer to this arzee, that I should keep the particulars of this conversation a profound secret, for that the communication of it to any person whatever would not only cause his displeasure, but would throw affairs at Lucknow into great confusion. The preceding is the substance of the governor's directions to me; he afterwards went to Mr. Macpherson's and I attended him; Mr. Bristow was there; the Governor took Mr. Bristow's arzee from his hand and delivered it into mine, and thence proceeded to council; Mr. Bristow's arzee, and the following particulars, I transmit

and communicate by the Governor's directions; and I request that I may be favoured with the answer to the arzee, and the letter to the Governor, as soon as possible, as his injunctions to me were very particular on the subject."

My lords, I have to observe upon this very extraordinary transaction, that you will see many things in this letter that are curious, and worthy of being taken out of that abyss of secrets, Mr. Scott's trunk, in which this arzee was found. It contains, as far as the prisoner thinks proper to reveal it, the true secret of the transaction. He confesses, first, the state of the vizier's country, as communicated to him in various accounts of the anarchy and confusion said to reign throughout his territories. This was in the year 1782, during the time that the Oude correspondence was not communicated to the council.

He next stated, that neither the vizier, nor his minister, nor Mr. Middleton, nor Mr. Johnson, ever wrote to him on the state of affairs. Here then are three or four persons all nominated by himself, every one of them supposed to be in his strictest confidence; the Nabob and his vassal Hyder Beg Khân being, as we shall show afterwards, entirely his dependants; and yet Mr. Hastings declares, that not one of them had done their duty, or had written him one word concerning the state of the country, and the anarchy and confusion that prevailed in it, and that when the Nabob did write, his assertions were contrary to the real state of things. Now this irregular correspondence which he carried on at Lucknow, and which gave him, as he pretends, this contradictory information, was, as your lordships will see, nothing more nor less than a complete fraud.

Your lordships will next observe, that he tells the vakeel his reason for turning him out was, that he had been patronized by other gentlemen. This was true; but they had a right to patronize him, and they did not patronize him from private motives, but in direct obedience to the order of the court of directors. He then adds the assurance which he had received from Mr. Bristow, that he would be perfectly obedient to him, Mr. Hastings, in future; and he goes on to tell the vakeel, that he knew the vizier was once well pleased with him (Mr. Bristow), and that his formal complaints

against him were written at the instigation of Mr. Middleton.

Here is another discovery, my lords. When he recalled Mr. Bristow, he did it under the pretence of its being desired by the Nabob of Oude; and that consequently he would not keep at the Nabob's court a man that was disagreeable to him. Yet, when the thing comes to be opened, it appears that Mr. Middleton had made the Nabob, unwillingly, write a false letter. This subornation of falsehood appears also to have been known to Mr. Hastings. Did he, either as the natural guardian and protector of the reputation of his fellow servants, or as the official administrator of the laws of his country, or as a faithful servant of the Company, ever call Mr. Middleton to an account for it? No, never. To everybody, therefore, acquainted with the characters and circumstances of the parties concerned, the conclusion will appear evident, that he was himself the author of it; but your lordships will find there is no end of his insolence and duplicity.

He next tells the vakeel, that the reason why he postponed the mission of Mr. Bristow to Lucknow was lest the people of Lucknow should think he had obtained his appointment in consequence of orders from Europe, and contrary to the Governor's inclination. You see, my lords, he would have the people of the country believe, that they are to receive the person appointed resident, not as appointed by the Company, but in consequence of his being under Mr. Hastings's particular patronage; and to remove from them any suspicion that the resident would obey the orders of the court of directors, or any orders but his own, he proceeds in the manner I have read to your lordships.

You here see the whole machinery of the business: he removes Mr. Bristow, contrary to the orders of the court of directors. Why? Because, says he to the court of directors, the Nabob complained of him, and desired it He here says, that he knew the Nabob did not desire it, but that the letter of complaint really and substantially was Mr. Middleton's. Lastly, as he recalls Mr. Bristow, so he wishes him to be called back in the same fictitious and fraudulent manner. This system of fraud proves that there is not one letter from that country, not one act of this vizier, not one act of his

ministers, not one act of his ambassadors, but what is false and fraudulent. And now think, my lords, first of the slavery of the Company's servants, subjected in this manner to the arbitrary will and corrupt frauds of Mr. Hastings! Next think of the situation of the princes of the country, obliged to complain without matter of complaint, to approve without satisfaction, and to have all their correspondence fabricated by Mr. Hastings at Calcutta!

But, my lords, it was not indignities of this kind alone that the native princes suffered from this system of fraud and duplicity. Their more essential interests and those of the people were involved in it; it pervaded and poisoned the whole mass of their internal government.

Who was the instrument employed in all this double dealing? Gobind Ram, the vizier's diplomatic minister at Calcutta. Suspicions perpetually arise in his mind, whether he is not cheated and imposed upon. He could never tell when he had Mr. Hastings fixed upon any point. He now finds him recommending Mr. Middleton, and then declaring that Mr. Middleton neglects the duty of his office, and gives him, Gobind Ram, information that is fraudulent and directly contrary to the truth. He is let into various contradictory secrets, and becomes acquainted with innumerable frauds, falsehoods, and prevarications. He knew that the whole pretended government of Oude was from beginning to end a deception; that it was an imposture for the purpose of corruption and peculation. Such was the situation of the Nabob's vakeel. The Nabob himself was really at a loss to know who had and who had not the Governor's confidence; whether he was acting in obedience to the orders of the court of directors, or whether their orders were not always to be disobeyed. He thus writes to Gobind Ram, who was exactly in the same uncertainty.

"As to the commands of Mr. Hastings, which you write on the subject of the distraction of the country, and the want of information from me, and his wishes that, as Mr. John Bristow has shown sincere wishes and attachment to Mr. Hastings, I should write for him to send Mr. John Bristow; it would have been proper and necessary for you privately to have understood what were Mr. Hastings's real intentions. Whether the choice of sending Mr. John Bristow was his

own desire, or whether it was in compliance with Mr. Macpherson's; that I might then have written conformably thereto; writings are now sent to you for both cases. Having privately understood the wishes of Mr. Hastings, deliver whichever of the writings he should order you, for I study Mr. Hastings's satisfaction; whoever is his friend is mine, and whoever is his enemy is mine; but in both these cases, my wishes are the same; that having consented to the paper of questions which Major Davy carried with him, and having given me the authority of the country, whomever he may afterwards appoint, I am satisfied; I am now brought to great distress by these gentlemen, who ruin me; in case of consent, I am contented with Majors Davy and Palmer. Hereafter, whatever may be Mr. Hastings's desire, it is best."

Here is a poor, miserable instrument, confessing himself to be such, ruined by Mr. Hastings's public agents, Mr. Middleton and Mr. Johnson; ruined by his private agents, Major Davy and Major Palmer; ruined equally by them all; and at last declaring in a tone of despair, "If you have a mind really to keep Major Davy and Major Palmer here, why I must consent to it. Do what you please with me; I am your creature; for God's sake, let me have a little rest."

Your lordships shall next hear what account Hyder Beg Khân, the vizier's prime minister, gives of the situation in which he and his master were placed.

Extract of a Letter from Hyder Beg Khân; received 21*st April*, 1785.

"I hope that such orders and commands as relate to the friendship between his highness and the Company's governments and to your will, may be sent through Major Palmer, in your own private letters, or in your letters to the major, who is appointed from you at the presence of his highness, that, in obedience to your orders, he may properly explain your commands, and whatever affair may be settled, he may first secretly inform you of it; and afterwards his highness may, conformably thereto, write an answer, and I also may represent it. By this system, your pleasure will always be fully made known to his highness, and his highness and we will execute whatever may be your orders, without deviating a hair's breadth; and let not the representations of interested

persons be approved of, because his highness makes no opposition to your will; and I, your servant, am ready in obedience and service, and I make no excuses."

Now, my lords, was there ever such a discovery made of the arcana of any public theatre? You see here behind the ostensible scenery all the crooked working of the machinery developed, and laid open to the world. You now see by what secret movement the master of the mechanism has conducted the great Indian opera, an opera of fraud, deceptions, and harlequin tricks. You have it all laid open before you. The ostensible scene is drawn aside; it has vanished from your sight. All the strutting signors, and all the soft signoras, are gone; and instead of a brilliant spectacle of descending chariots, gods, goddesses. sun, moon, and stars, you have nothing to gaze on but sticks, wire, ropes, and machinery. You find the appearance all false and fraudulent; and you see the whole trick at once. All this, my lords, we owe to Major Scott's trunk, which, by admitting us behind the scene, has enabled us to discover the real state of Mr. Hastings's government in India. And can your lordships believe that all this mechanism of fraud, prevarication, and falsehood could have been intended for any purpose but to forward that robbery, corruption, and peculation by which Mr. Hastings has destroyed one of the finest countries upon earth! Is it necessary, after this, for me to tell you that you are not to believe one word of the correspondence stated by him to have been received from India? This discovery goes to the whole matter of the whole government of the country. You have seen what that government was, and by and by you shall see the effects of it.

Your lordships have now seen this trunk of Mr. Scott's producing the effects of Aladdin's lamp, of which your lordships may read in books much more worthy of credit than Mr. Hastings's correspondence. I have given all the credit of this precious discovery to Mr. Scott's trunk; but, my lords, I find that I have to ask pardon for a mistake, in supposing the letter of Hyder Beg Khân to be a part of Mr. Hastings's correspondence. It comes from another quarter, not much less singular, and equally authentic and unimpeachable. But though it is not from the trunk, it smells of the trunk; it smells of the leather. I was as proud of my imaginary dis-

covery as Sancho Pancha was, that one of his ancestors had discovered a taste of iron in some wine, and another a taste of leather in the same wine, and that afterwards there was found in the cask a little key tied to a thong of leather, which had given to the wine a taste of both. Now, whether this letter tasted of the leather of the trunk, or of the iron of Mr. Macpherson, I confess I was a little out in my suggestion and my taste. The letter in question was written by Hyder Beg Khân, after Mr. Hastings's departure, to Mr. Macpherson, when he succeeded to the government. That gentleman thus got possession of a key to the trunk, and it appears to have been his intentions to follow the steps of his predecessor, to act exactly in the same manner, and in the same manner to make the Nabob the instrument of his own ruin.

This letter was written by the Nabob's minister to Sir John Macpherson, newly inaugurated into his government, and who might be supposed not to be acquainted with all the best of Mr. Hastings's secrets, nor to have had all the trunk correspondence put into his hands. However, here is a trunk extraordinary, and its contents are much in the manner of the other. The Nabob's minister acquaints him with the whole secret of the system. It is plain that the Nabob considered it as a system not to be altered; that there was to be nothing true, nothing above-board, nothing open in the government of his affairs. When you thus see that there can be little doubt of the true nature of the government, I am sure that hereafter, when we come to consider the effects of that government, it will clear up, and bring home to the prisoner at your bar all we shall have to say upon this subject.

Mr. Hastings having thrown off completely the authority of the Company, as you have seen;—having trampled upon those of their servants who had manifested any symptom of independence, or who considered the orders of the directors as a rule of their conduct;—having brought every Englishman under his yoke, and made them supple and fit instruments for all his designs, then gave it to be understood that such alone were fit persons to be employed in important affairs of state. Consider, my lords, the effect of this upon the whole service. Not one man that appears to pay any regard to the authority of the directors is to expect that any regard will be paid to himself. So that this man not only rebels

himself in his own person against the authority of the Company, but he makes all their servants join him in this very rebellion. Think, my lords, of this state of things; and I wish it never to pass from your minds that I have called him the captain-general of the whole host of actors in Indian iniquity, under whom that host was arrayed, disciplined, and paid. This language which I used was not, as fools have thought proper to call it, offensive and abusive; it is in a proper criminatory tone, justified by the facts that I have stated to you; and in every step we take it is justified more and more. I take it as a text upon which I mean to preach; I take it as a text, which I wish to have in your lordships' memory from the beginning to the end of this proceeding. He is not only guilty of iniquity himself, but is at the head of a system of iniquity and rebellion; and will not suffer, with impunity, any one honest man to exist in India if he can help it. Every mark of obedience to the legal authority of the Company is by him condemned; and if there is any virtue remaining in India, as I think there is, it is not his fault that it still exists there.

We have shown you the servile obedience of the natives of the country; we have shown you the miserable situation to which a great prince, at least a person who was the other day a great prince, was reduced by Mr. Hastings's system. We shall next show you that this prince, who, unfortunately for himself, became a dependant on the Company, and thereby subjected to the will of an arbitrary government, is made by him the instrument of his own degradation, the instrument of his (the Governor's) falsehoods; the instrument of his peculations—and that he had been subjected to all this degradation for the purposes of the most odious tyranny, violence, and corruption.

Mr. Hastings, having assumed the government to himself, soon made Oude a private domain. It had, to be sure, a public name, but it was to all practical intents and purposes his park or his warren; a place, as it were, for game, whence he drew out or killed at an earlier or later season, as he thought fit, anything he liked, and brought it to his table according as it served his purpose. Before I proceed, it will not be improper for me to remind your lordships of the legitimate ends to which all controlling and superintending power

ought to be directed. Whether a man acquires this power by law or by usurpation, there are certain duties attached to his station. Let us now see what these duties are.

The first is to take care of that vital principle of every state, its revenue. The next is to preserve the magistracy and legal authorities, in honour, respect, and force. And the third to preserve the property, moveable and immoveable, of all the people committed to his charge.

In regard to his first duty, the protection of the revenue; your lordships will find that from three millions and upwards, which I stated to be the revenue of Oude, and which Mr. Hastings, I believe, or anybody for him, has never thought proper to deny—it sunk under his management to about £1,440,000: and even this, Mr. Middleton says (as you may see in your minutes), was not completely realized. Thus, my lords, you see that one half of the whole revenue of the country was lost after it came into Mr. Hastings's management. Well, but it may perhaps be said this was owing to the Nabob's own imprudence. No such thing, my lords; it could not be so; for the whole *real* administration and government of the country was in the hands of Mr. Hastings's agents, public or private.

To let you see how provident Mr. Hastings's management of it was, I shall produce to your lordships one of the principal manœuvres that he adopted for the improvement of the revenue and for the happiness and prosperity of the country, the latter of which will always go along, more or less, with the first.

The Nabob, whose acts your lordships have now learned to appreciate as no other than the acts of Mr. Hastings, writes to the council to have a body of British officers for the purposes of improving the discipline of his troops, collecting his revenues, and repressing disorder and outrage among his subjects. This proposal was ostensibly fair and proper; and if I had been in the council at that time, and the Nabob had really and bonâ fide made such a request, I should have said he had taken a very reasonable and judicious step, and that the Company ought to aid him in his design.

Among the officers sent to Oude, in consequence of this requisition, was the well-known Colonel Hannay, a man whose name will be bitterly and long remembered in India.

This person, we understand, had been recommended to Mr. Hastings by Sir Elijah Impey, and his appointment was the natural consequence of such patronage. I say the natural consequence, because Sir Elijah Impey appears on your minutes to have been Mr. Hastings's private agent and negotiator in Oude. In that light, and in that light only, I consider Colonel Hannay in this business. We cannot prove that he was not of Mr. Hastings's own nomination originally and primarily; but whether we take him in this way, or as recommended by Sir Elijah Impey, or anybody else, Mr. Hastings is equally responsible.

Colonel Hannay is sent up by Mr. Hastings, and has the command of a brigade, of two regiments I think, given to him. Thus far all is apparently fair and easily understood; but in this country we find everything in masquerade and disguise. We find this man, instead of being an officer, farmed the revenue of the country, as is proved by Colonel Lumsden and other gentlemen, who were his sub-farmers and his assistants. Here, my lords, we have a man who appeared to have been sent up the country as a commander of troops, agreeably to the Nabob's request; and who, upon our inquiry, we discover to have been farmer-general of the country! We discover this with surprise; and I believe till our inquiries began it was unknown in Europe. We have, however, proved upon your lordships' minutes, by an evidence produced by Mr. Hastings himself, that Colonel Hannay was actually farmer-general of the countries of Barratch and Gurruckpore. We have proved upon your minutes that Colonel Hannay was the only person possessed of power in the country; that there was no magistrate in it, nor any administration of the law whatever. We have proved to your lordships that in his character of farmer-general he availed himself of the influence derived from commanding a battalion of soldiers; in short, we have proved that the whole power, civil, military, municipal, and financial, resided in him; and we further refer your lordships to Mr. Lumsden and Mr. Halhed for the authority which he possessed in that country. Your lordships, I am sure, will supply with your diligence what is defective in my statement; I have therefore taken the liberty of indicating to you where you are to find the evidence to which I refer. You will there, my lords, find this Colonel

Hannay in a false character—he is ostensibly given to the Nabob as a commander of his troops; while in reality he is forced upon that prince as his farmer-general. He is invested with the whole command of the country, while the sovereign is unable to control him, or to prevent his extorting from the people whatever he pleases.

If we are asked what the terms of his farm were;—we cannot discover that he farmed the country at any certain sum. We cannot discover that he was subjected to any terms, or confined by any limitations. Armed with arbitrary power, and exercising that power under a false title, his exactions from the poor natives were only limited by his own pleasure. Under these circumstances, we are now to ask what there was to prevent him from robbing and ruining the people; and what security against his robbing the exchequer of the person whose revenue he farmed?

You are told by the witnesses in the clearest manner, and, after what you have heard of the state of Oude, you cannot doubt the fact, that nobody, not even the Nabob, dared to complain against him; that he was considered as a man authorized and supported by the power of the British government; and it is proved in the evidence before you that he vexed and harassed the country to the utmost extent which we have stated in our article of charge, and which you would naturally expect from a man acting under such false names with such real powers. We have proved that from some of the principal zemindars in that country, who held farms let to them for 27,000 rupees a year, a rent of 60,000 was demanded, and in some cases enforced; and that upon the refusal of one of them to comply with this demand, he was driven out of the country.

Your lordships will find in the evidence before you, that the inhabitants of the country were not only harassed in their fortunes, but cruelly treated in their persons. You have it upon Mr. Halhed's evidence, and it is not attempted, that I know of, to be contradicted, that the people were confined in open cages exposed to the scorching heat of the sun, for pretended or real arrears of rent; it is indifferent which, because I consider all confinement of the person to support an arbitrary exaction, to be an abomination not to be tolerated. They have endeavoured, indeed, to weaken this evidence by

an attempt to prove that a man, day and night in confinement in an open cage, suffers no inconvenience. And here I must beg your lordships to observe the extreme unwillingness that appears in these witnesses. Their testimony is drawn from them drop by drop, their answers to our questions are never more than yes or no; but when they are examined by the counsel on the other side, it flows as freely as if drawn from a perennial spring; and such a spring we have in Indian corruption. We have, however, proved, that in these cages the renters were confined, till they could be lodged in the dungeons or mud forts. We have proved that some of them were obliged to sell their children; that others fled the country; and that these practices were carried to such an awful extent, that Colonel Hannay was under the necessity of issuing orders against the unnatural sale and flight which his rapacity had occasioned. The prisoner's counsel have attempted to prove that this had been a common practice in that country—and though possibly some person as wicked as Colonel Hannay might have been there before at some time or other, no man ever sold his children but under the pressure of some cruel exaction. Nature calls out against it. The love that God has implanted in the heart of parents towards their children is the first germ of that second conjunction which he has ordered to subsist between them and the rest of mankind. It is the first formation and first bond of society. It is stronger than all laws; for it is the law of nature, which is the law of God. Never did a man sell his children, who was able to maintain them. It is therefore not only a proof of his exactions, but a decisive proof that these exactions were intolerable.

Next to the love of parents for their children, the strongest instinct both natural and moral that exists in man is the love of his country:—an instinct, indeed, which extends even to the brute creation. All creatures love their offspring; next to that they love their homes; they have a fondness for the place where they have been bred, for the habitations they have dwelt in, for the stalls in which they have been fed, the pastures they have browsed in, and the wilds in which they have roamed. We all know that the natal soil has a sweetness in it beyond the harmony of verse. This instinct, I say, that binds all creatures to their country, never becomes

inert in us, nor ever suffers us to want a memory of it. Those, therefore, who seek to fly their country, can only wish to fly from oppression, and what other proof can you want of this oppression, when, as a witness has told you, Colonel Hannay was obliged to put bars and guards to confine the inhabitants within the country? We have seen, therefore, nature violated in its strongest principles. We have seen unlimited and arbitrary exaction avowed on no pretence of any law, rule, or any fixed mode by which these people were to be dealt with. All these facts have been proved before your lordships by costive and unwilling witnesses. In consequence of these violent and cruel oppressions, a general rebellion breaks out in the country, as was naturally to be expected. The inhabitants rise as if by common consent; every farmer, every proprietor of land, every man who loved his family and his country, and had not fled for refuge, rose in rebellion, as they call it. My lords, they did rebel; it was a just rebellion. Insurrection was there just and legal, inasmuch as Colonel Hannay, in defiance of the laws and rights of the people, exercised a clandestine, illegal authority, against which there can be no rebellion in its proper sense.

As a rebellion, however, and as a rebellion of the most unprovoked kind, it was treated by Colonel Hannay; and to one instance of the means taken for suppressing it, as proved by evidence before your lordships, I will just beg leave to call your attention. One hundred and fifty of the inhabitants had been shut up in one of the mud forts I have mentioned; the people of the country in their rage attacked the fort and demanded the prisoners; they called for their brothers, their fathers, their husbands, who were confined there. It was attacked by the joint assault of men and women. The man who commanded in the fort immediately cut off the heads of eighteen of the principal prisoners, and tossed them over the battlements to the assailants. There happened to be a prisoner in the fort, a man loved and respected in his country, and who, whether justly or unjustly, was honoured and much esteemed by all the people. "Give us our Rajah, Mustapha Khân" (that was the name of the man confined), cried out the assailants. We asked the witness at your bar, what he was confined for; he did not know, but he said that Colonel Hannay had confined him, and

added that he was sentenced to death. We desired to see the futwa or decree of the judge who sentenced him; no; no such thing, nor any evidence of its having ever existed, could be produced. We desired to know whether he could give any account of the process, any account of the magistrate, any account of the accuser, any account of the defence; in short, whether he could give any account whatever of this man's being condemned to death. He could give no account of it but the orders of Colonel Hannay, who seems to have imprisoned and condemned him by his own arbitrary will. Upon the demand of Rajah Mustapha by the insurgents being made known to Colonel Hannay, he sends an order to the commander of the fort, a man already stained with the blood of all the people who were murdered there, that if he had not executed Mustapha Khân, he should execute him immediately. The man is staggered at the order, and refuses to execute it, as not being directly addressed to him.

Colonel Hannay then sends a Captain Williams, who has appeared here as an evidence at your bar, and who, together with Captain Gordon and Major Macdonald, both witnesses also here, were all sub-farmers and actors under Colonel Hannay. This Captain Williams, I say, goes there, and without asking one of those questions which I put to the witness at your bar, and desiring nothing but Colonel Hannay's word, orders the man to be beheaded; and accordingly he was beheaded, agreeably to the orders of Colonel Hannay. Upon this the rebellion blazed out with tenfold fury, and the people declared they would be revenged for the destruction of their zemindar.

Your lordships have now seen this Mustapha Khân imprisoned and sentenced to death by Colonel Hannay, without judge and without accuser, without any evidence, without the futwa or any sentence of the law. This man is thus put to death by an arbitrary villain, by a more than cruel tyrant, Colonel Hannay, the substitute of a ten thousand times more cruel tyrant, Mr. Hastings.

In this situation was the country of Oude, under Colonel Hannay, when he was removed from it. The knowledge of his misconduct had before induced the miserable Nabob to make an effort to get rid of him; but Mr. Hastings had re-

pressed that effort by a civil reprimand, telling him indeed at the same time, "I do not force you to receive him." (Indeed the Nabob's situation had in it force enough.) The Nabob, I say, was forced to receive him; and again he ravages and destroys that devoted country, till the time of which I have been just speaking; when he was driven out of it finally by the rebellion, and, as you may imagine, departed like a leech full of blood.

It is stated in evidence upon your minutes, that this bloated leech went back to Calcutta, that he was supposed from a state of debt (in which he was known to have been when he left that city) to have returned from Oude with the handsome sum of £300,000, of which £80,000 was in gold mohurs. This is declared to be the universal opinion in India, and no man has ever contradicted it. Ten persons have given evidence to that effect, not one has contradicted it from that hour to this, that I ever heard of. The man is now no more. Whether his family have the whole of the plunder or not; what partnership there was in this business; what shares, what dividends were made, and who got them; —about all this public opinion varied, and we can with certainty affirm nothing;—but there ended the life and exploits of Colonel Hannay, farmer-general, civil officer, and military commander of Burratch and Gurruckpore. But not so ended Mr. Hastings's proceedings.

Soon after the return of Colonel Hannay to Calcutta, this miserable Nabob received intelligence, which concurrent public fame supported, that Mr. Hastings meant to send him up into the country again on a second expedition; probably with some such order as this—You have sucked blood enough for yourself, now try what you can do for your neighbours. The Nabob was not likely to be misinformed. His friend and agent Gobind Ram was at Calcutta, and had constant access to all Mr. Hastings's people. Mr. Hastings himself tells you what instructions these vakeels always have to search into and discover all his transactions. This Gobind Ram, alarmed with strong apprehensions, and struck with horror at the very idea of such an event, apprized his master of his belief that Mr. Hastings meant to send Colonel Hannay again into the country. Judge now, my lords, what Colonel Hannay must

have been, from the declaration which I will now read to you, extorted from that miserable slave the Nabob, who thus addresses Mr. Hastings:

"My country and house belong to you; there is no difference. I hope that you desire in your heart the good of my concerns. Colonel Hannay is inclined to request your permission to be employed in the affairs of this quarter. If by any means any matter of this country dependent on me should be entrusted to the Colonel, I swear by the holy Prophet that I will not remain here, but will go from hence to you. From your kindness let no concern dependent on me be entrusted to the Colonel; and oblige me by a speedy answer, which may set my mind at ease." We know very well that the prisoner at your bar denied his having any intention to send him up. We cannot prove them, but we maintain that there were grounds for the strongest suspicions that he entertained such intentions; he cannot deny the reality of this terror which existed in the minds of the Nabob and his people, under the apprehension that he was to be sent up, which plainly showed that they, at least, considered there was ground enough for charging him with that intention. What reason was there to think that he should not be sent a third time, who had been sent twice before? Certainly none, because every circumstance of Mr. Hastings's proceedings was systematical, and perfectly well known at Oude.

But suppose it to have been a false report;—it shows all that the managers wish to show, the extreme terror which these creatures and tools of Mr. Hastings struck into the people of that country. His denial of any intention of again sending Colonel Hannay does not disprove either the justness of their suspicions, or the existence of the terror which his very name excited.

My lords, I shall now call your attention to a part of the evidence which we have produced, to prove the terrible effects of Colonel Hannay's operations. Captain Edwards, an untainted man, who tells you that he had passed through that country, again and again describes it as bearing all the marks of savage desolation. Mr. Holt says it has fallen from its former state; that whole towns and villages were no longer peopled, and that the country carried evident marks of famine One would have thought that Colonel Hannay's cruelty

and depredations would have satiated Mr. Hastings. No. He finds another military collector, a Major Osborne, who, having suffered in his preferment by the sentence of a court-martial, whether justly or unjustly I neither know nor care, was appointed to the command of a thousand men, in the provinces of Oude; but really, to the administration of the revenues of the country. He administered them much in the same manner as Colonel Hannay had done. He, however, transmitted to the government at Calcutta a partial representation of the state of the provinces, the substance of which was, that the natives were exposed to every kind of peculation, and that the country was in a horrible state of confusion and disorder. This is upon the Company's records; and, although not produced in evidence, your lordships may find it, for it has been printed over and over again. This man went up to the Vizier; in consequence of whose complaint, and the renewed cries of the people, Mr. Hastings was soon obliged to recall him.

But, my lords, let us go from Major Osborne to the rest of these military purveyors of revenue. Your lordships shall hear the Vizier's own account of what he suffered from British officers, and into what a state Mr. Hastings brought that country, by the agency of officers who, under the pretence of defending it, were invested with powers which enabled them to commit most horrible abuses in the administration of the revenue, the collection of customs, and the monopoly of the markets.

Copy of a Letter from the Nabob Vizier to the Governor-General.

"All the officers stationed with the brigade at Cawnpore, Futtyghur, Darunghur, and Furrackabad, and other places, write purwannas, and give positive orders to the aumils of these places, respecting the grain, &c.; from which conduct the country will become depopulated. I am hopeful from your friendship that you will write to all these gentlemen not to issue orders, &c., to the aumils, and not to send troops into the mahals of the sircar; and for whatever quantity of grain, &c., they may want, they will inform me and the resident, and we will write it to the aumils, who shall cause it to be sent them every month, and I will deduct the price of them

from the tuncahs; this will be agreeable both to me and to the ryots."

A copy of a subsequent Letter from the Vizier to Rajah Gobind Ram.

"I some time ago wrote you the particulars of the conduct of the officers, and now write them again. The officers and gentlemen who are at Cawnpore, and Futtyghur, and Darunghur, and other places, by different means act very tyrannically and oppressively towards the aumils and ryots and inhabitants; and to whomsoever that requires a dustuck they give it, with their own seal affixed, and send for the aumils and punish them. If they say anything, the gentlemen make use of but two words; one—*that is for the brigade*, and the second—*that is to administer justice.* The particulars of it is this, that the bipparies will bring their grain from all quarters, and sell for their livelihood. There is at present no war to occasion a necessity for sending for it. If none comes, whatever quantity will be necessary every month, I will mention to the aumils that they may bring it for sale; but there is no deficiency of grain. The gentlemen have established gunges for their own advantage, called Colonel Gunge at Darunghur, Futtyghur, &c. The collection of the customs from all quarters they have stopped, and collected them at their own gunges; each gunge is rented out at 30,000 to 40,000 rupees, and their collections paid to the gentlemen. They have established gunges where there never were any; and where they were, those they have abolished; 30,000 or 40,000 rupees is the sum they are rented at; the collections, to the amount of a lack of rupees, are stopped. Major Briscoe, who is at Darunghur, has established a gunge, which rented out for 45,000 rupees, and has stopped the ghauts round about the bipparies; and merchants coming from Cashmere, from Shaw Jehanabeid, and bringing shawls and other goods and spices, &c., from all quarters, he orders to his gunge, and collects the duty from the aumils, gives them a chit and a guard, who conducts them about five hundred coss: the former duties are not collected. From the conduct at Cawnpore, Futtyghur, Furrackabad, &c., the duties from the lilla of Gora and Thlawa are destroyed and occasion a loss of three lacks of rupees to the duties; and

the losses that are sustained in Furrackabad may be ascertained by the Nabob Mozuffir Jung, to whom every day complaints are made; exclusive of the aumils, and collectors, others lodge complaints. Whatever I do, I desire no benefit from it; I am remediless and silent; from what happens to me, I know that worse will happen in other places; the second word, I know, is from their mouths only. This is the case. In this country formerly, and even now, whatever is to be received or paid among the zemindars, ryots, and inhabitants of the cities, and poor people, neither those who can pay nor those who cannot pay ever make any excuse to the shroffs; but when they could pay, they did. In old debts of fifty years, whoever complain to the gentlemen, they agree that they shall pay one-fourth, and send dustucks and sepoys to all the aumils, the chowdries, and canoongoes, and inhabitants of all the towns; they send for everybody, to do them justice, confine them, and say they will settle the business. So many and numerous are these calamities, that I know not how much room it will take up to mention them. Mr. Briscoe is at Darunghur; and the complaints of the aumils arrive daily. I am silent. Now Mr. Middleton is coming here, let the Nabob appoint him for settling all these affairs, that whatever he shall order those gentlemen they will do. From this everything will be settled, and the particulars of this quarter will be made known to the Nabob. I have written this, which you will deliver to the Governor, that everything may be settled; and when he has understood it, whatever is his inclination, he will favour me with it. The Nabob is master in this country, and is my friend; there is no distinction."

Copy of another Letter, entered upon the consultation of the 4th of June, 1781.

"I have received your letter, requesting leave for a battalion to be raised by Captain Clark on the same footing as Major Osborne's was, agreeable to the requests and complaints of Ishmael Beg, the aumil of Illahabad, &c., and in compliance with the directions of the council. You are well acquainted with the particulars and negotiation of Ishmael Beg, and the nature of Mr. Osborne's battalion. At the beginning of the year 1186 (1779) the affairs of Illahabad were

given on a lease of three years to Ishmael Beg, together with the pergunnahs Arreel and Parra; and I gave orders for troops to be stationed and raised, conformable to his request. Ishmael Beg accordingly collected twelve hundred peons, which were not allowed to the aumil of that place in the year 1185. The reason why I gave permission for the additional expense of twelve hundred peons was, that he might be enabled to manage the country with ease, and pay the money to government regularly. I besides sent Mr. Osborne there, to command in the mahals belonging to Illahabad, which were in the possession of Rajah Ajeit Sing; and he accordingly took charge.

"Afterwards, in obedience to the orders of the Governor-General, Mr. Hastings, Jelladut Jung, he was recalled, and the mahals placed, as before, under Rajah Ajeit Sing. I never sent Mr. Osborne to settle the concerns of Illahabad, for there was no occasion for him; but Mr. Osborne, of himself, committed depredations and rapines within Ishmael Beg's jurisdiction. Last year the battalion which, by permission of General Sir Eyre Coote, was sent received orders to secure and defend Ishmael Beg against the encroachments of Mr. Osborne; for the complaints of Ishmael Beg against the violences of Mr. Osborne had reached the general and Mr. Purling; and the Governor and gentlemen of council, at my request, recalled Mr. Osborne. This year, as before, the collections of Arreel and Parra remain under Ishmael Beg. In those places, some of the talookdars and zemindars, who had been oppressed and ill-treated by Mr. Osborne, had conceived ideas of rebellion."

Here, my lords, you have an account of the condition of Darunghur, Futtyghur, Furruckabad, and of the whole line of our military stations in the Nabob's dominions. You see the whole was one universal scene of plunder and rapine. You see all this was known to Mr. Hastings, who never inflicted any punishments for all this horrible outrage. You see the utmost he has done is merely to recall one man, Major Osborne, who was by no means the only person deeply involved in these charges. He nominated all these people; he has never called any of them to an account. Shall I not then call him their captain-general? Shall not your lordships call him so? And shall any man in the kingdom call him by

any other name? We see all the executive, all the civil and criminal justice of the country seized on by him. We see the trade and all the duties seized upon by his creatures. We see them destroying established markets, and creating others at their pleasure. We see them, in the country of an ally, and in a time of peace, producing all the consequences of rapine and of war. We see the country ruined and depopulated by men who attempt to exculpate themselves by charging their unhappy victims with rebellion.

And now, my lords, who is it that has brought to light all these outrages and complaints, the existence of which has never been denied, and for which no redress was ever obtained, and no punishment ever inflicted? Why, Mr. Hastings himself has brought them before you; they are found in papers which he has transmitted. God, who inflicts blindness upon great criminals, in order that they should meet with the punishment they deserve, has made him the means of bringing forward this scene, which we are maliciously said to have falsely and maliciously devised. If any one of the ravages contained in that long catalogue of grievances is false, Warren Hastings is the person who must answer for that individual falsehood. If they are generally false, he is to answer for the false and calumniating accusation; and if they are true, my lords, he only is answerable; for he appointed those ministers of outrage, and never called them to account for their misconduct.

Let me now show your lordships the character that Mr. Hastings gives of all the British officers. It is to be found in an extract from the appendix to that part of his Benares narrative in which he comments upon the treaty of Chunar. Mark, my lords, what the man himself says of the whole military service.—"Notwithstanding the great benefit which the Company would have derived from such an augmentation of their military force as these troops constituted, ready to act on any emergency, prepared and disciplined without any charge on the Company, as the institution professed, until their actual services should be required, I have observed some evils growing out of the system, which, in my opinion, more than counterbalanced those advantages, had they been realized in their fullest effect. The remote stations of these troops, placing the commanding officers beyond the notice

and control of the board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the contagion of peculation and rapacity throughout the whole army. A most remarkable and incontrovertible proof of the prevalence of this spirit has been seen in the court-martial upon Captain Erskine, where the court, composed of officers of rank and respectable characters, unanimously and honourably, most honourably, acquitted him upon an acknowledged fact, which in times of stricter discipline would have been deemed a crime deserving the severest punishment."

I will now call your lordships' attention to another extract from the same comment of Mr. Hastings, with respect to the removal of the Company's servants, civil and military, from the court and service of the Vizier.—"I was actuated solely by motives of justice to him, and a regard to the honour of our national character. In removing those gentlemen, I diminish my own influence, as well as that of my colleagues, by narrowing the line of patronage; and I expose myself to obloquy and resentment from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons. But their numbers, their influence, and the enormous amount of their salaries, pensions, and emoluments, were an intolerable burthen on the revenues and authority of the Vizier, and exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the Vizier from the rewards of their services and attachment."

My lords, you have here Mr. Hastings's opinion of the whole military service. You have here the authority and documents by which he supports his opinion. He states, that the contagion of peculation had tainted all the frontier stations, which contain much the largest part of the Company's army. He states that this contagion had tainted the whole army, *everywhere*; so that, according to him, there was, throughout the Indian army, an universal taint of peculation.—My lords, peculation is not a military vice.—Insubordination, want of attention to duty, want of order, want of obedience and regularity, are military vices; but who ever before heard of peculation being a military vice? In the case before you it became so by employing military men as farmers of revenue, as masters of markets and of gunges.

This departure from the military character and from military duties introduced that peculation which tainted the army, and desolated the dominions of the Nabob Vizier.

I declare when I first read the passage which has been just read to your lordships, in the infancy of this inquiry, it struck me with astonishment that peculation should *at all* exist at a military vice; but I was still more astonished at finding Warren Hastings charging the *whole* British army with being corrupted by this base and depraved spirit, to a degree which tainted even their judicial character. This, my lords, is a most serious matter. The judicial functions of military men are of vast importance in themselves; and, generally speaking, there is not any tribunal whose members are more honourable in their conduct, and more just in their decisions, than those of a court-martial. Perhaps there is not a tribunal in this country whose reputation is really more untainted than that of a court-martial. It stands as fair in the opinion both of the army and of the public as any tribunal, in a country where *all* tribunals stand fair. But in India, this unnatural vice of peculation, which has no more to do with the vices of a military character than with its virtues, —this venomous spirit has pervaded the members of military tribunals to such an extent, that they acquit, honourably acquit, *most* honourably acquit a man, "upon an acknowledged fact, which in times of stricter discipline would have been deemed a crime deserving the severest punishment."

Who says all this, my lords? Do I say it?—No: it is Warren Hastings who says it. He records it. He gives you his vouchers and his evidence, and he draws the conclusion. He is the criminal accuser of the British army. He who sits in that box accuses the whole British army in India. He has declared them to be so tainted with peculation from head to foot as to have been induced to commit the most wicked perjuries, for the purpose of bearing one another out in their abominable peculations. In this unnatural state of things, and whilst there is not one military man on these stations of whom Mr. Hastings does not give this abominably flagitious character; yet every one of them have joined to give him the benefit of their testimony for his honourable intentions and conduct.

In this tremendous scene, which he himself exposes, are

there no signs of this captain-generalship which I have alluded to? Are there no signs of this man's being a captain-general of iniquity, under whom all the spoilers of India were paid, disciplined, and supported? I not only charge him with being guilty of a thousand crimes; but I assert, that there is not a soldier or a civil servant in India whose culpable acts are not owing to this man's example, connivance, and protection. Everything which goes to criminate them goes directly against the prisoner. He put them in a condition to plunder. He suffered no native authority or government to restrain them; and he never called a man to an account for these flagitious acts, which he has thought proper to bring before his country in the most solemn manner and upon the most solemn occasion.

I verily believe, in my conscience, his accusation is not true, in the excess, in the generality and extravagance in which he charges it. That it is true in a great measure we cannot deny; and in that measure we, in our turn, charge him with being the author of all the crimes which he denounces; and if there is anything in the charge beyond the truth, it is he who is to answer for the falsehood.

I will now refer your lordships to his opinion of the civil service, as it is declared and recorded in his remarks upon the removal of the Company's civil servants by him from the service of the Vizier.—"I was," says he, "actuated solely by motives of justice to him (the Nabob of Oude), and a regard to the honour of our national character." Here, you see, he declares his opinion, that in Oude the civil servants of the Company had destroyed the national character, and that therefore they ought to be recalled.—"By removing these people," he adds, "I diminish my patronage!" But I ask, How came they there?—Why, through this patronage. —He sent them there to suck the blood which the military had spared. He sent these civil servants to do ten times more mischief than the military ravagers could do, because they were invested with greater authority. "If," says he, "I recall them from thence, I lessen my patronage!"—But who, my lords, authorized him to become a patron? What laws of his country justified him in forcing upon the Vizier the civil servants of the Company?—What treaty authorized

him to do it?—What system of policy, except his own wicked, arbitrary system, authorized him to act thus?

He proceeds to say, "I expose myself to obloquy and resentment, from those who are immediately affected by the arrangement, and the long train of their friends and powerful patrons."—My lords, it is the constant burthen of his song, that he cannot do his duty; that he is fettered in everything; that he fears a thousand mischiefs to happen to him; —not from his acting with carefulness, economy, frugality, and in obedience to the laws of his country, but from the very reverse of all this. Says he, I am afraid I shall forfeit the favour of the powerful patrons of those servants in England, namely, the Lords and Commons of England, if I do justice to the suffering people of this country.

In the House of Commons there are undoubtedly powerful people, who may be supposed to be influenced by patronage; but the higher and more powerful part of the country is more directly represented by your lordships than by us, although we have of the first blood of England in the House of Commons. We do indeed represent, by the knights of the shires, the landed interest. By our city and borough members we represent the trading interest; we represent the whole people of England collectively. But neither blood nor power is represented so fully in the House of Commons as that order which composes the great body of the people; the protection of which is our peculiar duty, and to which it is our glory to adhere. But the dignities of the country, the great and powerful, are represented eminently by your lordships. As we therefore would keep the lowest of the people from the contagion and dishonour of peculation and corruption, and above all, from exercising that vice which, among commoners, is unnatural as well as abominable, the vice of tyranny and oppression, so we trust that your lordships will clear yourselves and the higher and more powerful ranks from giving the smallest countenance to the system which we have done our duty in denouncing and bringing before you.

My lords, you have heard the account of the civil service. Think of their numbers, think of their influence, and the enormous amount of their salaries, pensions, and emolu-

ments! They were, you have heard, an intolerable burthen on the revenues and authority of the Vizier; and they exposed us to the envy and resentment of the whole country, by excluding the native servants and adherents of the prince from the just reward of their services and attachments. Here, my lords, is the whole civil service brought before you. They usurp the country, they destroy the revenues, they overload the prince, and they exclude all the nobility and eminent persons of the country from the just reward of their service.

Did Mr. Francis, whom I saw here a little while ago, send these people into that country? Did General Clavering, or Colonel Monson, whom he charges with this system, send them there? No; they were sent by himself; and if one was sent by anybody else for a time, he was soon recalled; so that he is himself answerable for all the peculation which he attributes to the civil service. You see the character given of that service; you there see their accuser; you there see their defender, who, after having defamed both services, military and civil, never punished the guilty in either; and now receives the prodigal praises of both.

I defy the ingenuity of man to show that Mr. Hastings is not the defamer of the service. I defy the ingenuity of man to show that the honour of Great Britain has not been tarnished under his patronage. He engaged to remove all these blood-suckers by the treaty of Chunar; but he never executed that treaty. He proposed to take away the temporary brigade; but he again established it. He redressed no grievance; he formed no improvements in the government; he never attempted to provide a remedy without increasing the evil tenfold. He was the primary and sole cause of all the grievances, civil and military, to which the unhappy natives of that country were exposed; and he was the accuser of all the immediate authors of those grievances, without having punished any one of them. He is the accuser of them all. But the only person whom he attempted to punish was that man who dared to assert the authority of the court of directors, and to claim an office assigned to him by them.

I will now read to your lordships the protest of General Clavering against the military brigade: "Taking the army from the Nabob is an infringement of the rights of an inde-

pendent prince, leaving only the name and title of it without the power. It is taking his subjects from him, against every law of nature and of nations."

I will next read to your lordships a minute of Mr. Francis's: "By the foregoing letter from Mr. Middleton, it appears that he has taken the government of the Nabob's dominions directly upon himself. I was not a party to the resolutions which preceded that measure, and will not be answerable for the consequences of it."

The next paper I will read is one introduced by the managers, to prove that a representation was made by the Nabob, respecting the expenses of the gentlemen resident at his court, and written after the removal before-mentioned.

Extract of a Letter from the Vizier to Mr. Macpherson; received the 21st of April, 1785.

"With respect to the expenses of the gentlemen who are here, I have before written in a covered manner; I now write plainly, that I have no ability to give money to the gentlemen, because I am indebted many lacks of rupees to the bankers, for the payment of the Company's debt. At the time of Mr. Hastings's departure I represented to him that I had no resources for the expenses of the gentlemen. Mr. Hastings, having ascertained my distressed situation, told me that after his arrival in Calcutta he would consult with the council, and remove from hence the expenses of the gentlemen, and recall every person, except the gentlemen in office here. At this time, that all the concerns are dependent upon you, and you have in every point given ease to my mind, according to Mr. Hastings's agreement, I hope that the expenses of the gentlemen may be removed from me, and that you may recall every person residing here beyond the gentlemen in office. Although Major Palmer does not at this time demand anything for the gentlemen, and I have no ability to give them anything, yet the custom of the English gentlemen is, when they remain here, they will in the end ask for something; this is best, that they should be recalled."

I think so too, and your lordships will think so with me; but Mr. Hastings, who says that he himself thought thus in September, 1781, and engaged to recall these gentlemen, was so afraid of their powerful friends and patrons here, that he

left India, and left all that load of obloquy upon his successors. He left a Major Palmer there, in the place of a resident; a resident of his own, as your lordships must see; for Major Palmer was no resident of the Company's. This man received a salary of about £23,000 a year, which he declared to be less than his expenses; by which we may easily judge of the enormous salaries of those who make their fortunes there. He was left by Mr. Hastings as his representative of peculation, his representative of tyranny. He was the second agent appointed to control all power ostensible and unostensible, and to head these gentlemen whose "custom," the Nabob says, "was in the end to ask for money." Money they must have; and there, my lords, is the whole secret.

I have this day shown your lordships the entire dependence of Oude on the British empire. I have shown you how Mr. Hastings usurped all power, reduced the prince to a cypher, and made of his minister a mere creature of his own; how he made the servants of the Company dependent on his own arbitrary will, and considered independence a proof of corruption. It has been likewise proved to your lordships, that he suffered the army to become an instrument of robbery and oppression; and one of its officers to be metamorphosed into a farmer-general; to waste the country and embezzle its revenues. You have seen a clandestine and fraudulent system, occasioning violence and rapine; and you have seen the prisoner at the bar acknowledging and denouncing an abandoned spirit of rapacity, without bringing its ministers to justice; and pleading, as his excuse, the fear of offending your lordships and the House of Commons. We have shown you the government, revenue, commerce, and agriculture of Oude ruined and destroyed by Mr. Hastings and his creatures. And to wind up all, we have shown you an army so corrupted as to pervert the fundamental principles of justice, which are the elements and basis of military discipline. All this, I say, we have shown you; and I cannot believe that your lordships will consider that we have trifled with your time, or strained our comments one jot beyond the strict measure of the text.

We have shown you a horrible scene, arising from an astonishing combination of horrible circumstances. The order in which you will consider these circumstances must be left

to your lordships. At present I am not able to proceed further. My next attempt will be to bring before you the manner in which Mr. Hastings treated moveable and immoveable property in Oude, and by which he has left nothing undestroyed in that devoted country.

[Adjourned.

TRIAL.

SATURDAY, 7TH JUNE, 1791.

FIFTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—We will now resume the consideration of the remaining part of our charge, and of the prisoner's attempts to defend himself against it.

Mr. Hastings, well knowing (what your lordships must also by this time be perfectly satisfied was the case) that this unfortunate Nabob had no will of his own, draws down his poor victim to Chunar, by an order to attend the Governor-General. If the Nabob ever wrote to Mr. Hastings, expressing a request or desire for this meeting, his letter was unquestionably dictated to him by the prisoner. We have laid a ground of direct proof before you that the Nabob's being at Chunar, that his proceedings there, and that all his acts, were so dictated, and consequently must be so construed.

I shall now proceed to lay before your lordships the acts of oppression committed by Mr. Hastings through his two miserable instruments; the one, his passive instrument, the Nabob; the other, Mr. Middleton, his active instrument in his subsequent plans for the entire destruction of that country. In page 513 of the printed minutes, you have Mr. Middleton's declaration of his promptitude to represent everything agreeably to Mr. Hastings's wishes.

"My dear Sir,—I have this day answered your public letter in the form you seemed to expect. I hope there is no-

thing in it that may to you appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the hitherto non-performance of the stipulations made on behalf of the Nabob; though I do assure you, I myself represented to his Excellency and the ministers, conceiving it to be your desire, that the apparent assumption of the reins of his government (for in that light he undoubtedly considered it at the first view), as specified in the agreement executed by him, was not meant to be fully and literally enforced, but that it was necessary you should have something to show on your side, as the Company were deprived of a benefit, without a requital; and upon the faith of this assurance alone, I believe I may safely affirm, his Excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it. However, it is not too late to correct the error: and I am ready to undertake and, God willing, to carry through whatever you may, on the receipt of my public letter, tell me is your final resolve.

"If you determine, at all events, that the measures of reducing the Nabob's army, &c., shall be immediately undertaken, I shall take it as a particular favour if you will indulge me with a line at Fyzabad, that I may make the necessary previous arrangements with respect to the disposal of my family, which I would not wish to retain here in the event either of a rupture with the Nabob, or the necessity of employing our forces on the reduction of his aumils and troops. This done, I can begin the work in three days after my return from Fyzabad."

Besides this letter, which I think is sufficiently clear upon the subject, there is also another, much more clear, upon your lordships' minutes, much more distinct and much more pointed, expressive of his being resolved to make such representations of every matter as the Governor-General may wish. Now, a man who is master of the manner in which facts are represented, and whose subsequent conduct is to be justified by such representations, is not simply accountable for his conduct; he is accountable for culpably attempting to

form, on false premises, the judgment of others upon that conduct. This species of delinquency must therefore be added to the rest; and I wish your lordships to carry generally in your minds that there is not one single syllable of representation made by any of those parties, except where truth may happen to break out in spite of all the means of concealment, which is not to be considered as the representation of Mr. Hastings himself, in justification of his own conduct.

The letter which I have just now read was written preparatory to the transaction which I am now going to state, called *the Treaty of Chunar*. Having brought his miserable victim thither, he forced him to sign a paper called a treaty; but such was the fraud in every part of this treaty, that Mr. Middleton himself, who was the instrument and the chief agent in it, acknowledges that the Nabob was persuaded to sign it by the assurance given to him that it never was to be executed. Here then your lordships have a prince first compelled to enter into a negotiation, and then induced to accede to a treaty, by false assurances that it should not be executed, which he declares nothing but force should otherwise have compelled him to accede to.

The first circumstance in this transaction that I shall lay before your lordships is, that the treaty is declared to have for its objects two modes of relieving the Nabob from his distresses; from distresses which we have stated, and which Mr. Hastings has not only fully admitted, but has himself proved in the clearest manner to your lordships. The first was by taking away that *wicked rabble*, the British troops, represented by Mr. Hastings as totally ruinous to the Nabob's affairs; and, particularly, by removing that part of them which was called the new brigade.

Another remedial part of the treaty regarded the British pensioners. It is in proof before your lordships that Mr. Hastings agreed to recall from Oude that body of pensioners whose conduct there is described, in such strong terms, as being ruinous to the Vizier and to all his affairs. These pensioners Mr. Hastings engaged to recall; but he never did recall them. We refer your lordships to the evidence before you in proof that these odious pensioners, so distressing to the Nabob, so ruinous to his affairs, and so disgraceful to our

government, were not only *not* recalled by Mr. Hastings, but that both afterwards, and upon the very day of signing the treaty (as Mr. Middleton himself tells you); upon that very day, I say, he recommended to the Nabob that these pensioners might remain upon that very establishment which, by a solemn treaty of his own making and his own dictating,—he had agreed to relieve from this intolerable burden.

Mr. Hastings, your lordships will remember, had departed from Benares, frustrated in his designs of extorting £500,000 from the Rajah for the Company's use. He had ravaged the country, without obtaining any benefit for his masters; the British soldiers having divided the only spoil, and nothing remaining for the share of his employers but disgrace. He was, therefore, afraid to return without having something of a lucrative pecuniary nature to exhibit to the Company. Having this object in view, Oude appears to have first presented itself to his notice as a country from which some advantage of a pecuniary kind might be derived, and accordingly he turned in his head a vast variety of stratagems for effecting his purpose.

The first article that occurs in the treaty of Chunar is a power given to the Nabob to resume all the jaghires not guaranteed by the Company, and to give pensions to all those persons who should be removed from their jaghires.

Now, the first thing which would naturally occur to a man who was going to raise a revenue through the intervention of the prince of the country, would be to recommend to that prince a better economy in his affairs, and a rational and equal assessment upon his subjects, in order to furnish the amount of the demand which he was about to make upon him. I need not tell your lordships, trained and formed as your minds are to the rules and orders of good government, that there is no way by which a prince can justly assess his subjects but by assessing them all in proportion to their respective abilities; and that, if a prince should make such a body as the House of Lords in this kingdom (which comes near the case I am going to state) separately the subject of assessment, such a thing would be contrary to all the principles of regular and just taxation in any country in the universe. Some men may possibly, by locality or privileges, be excepted from certain taxes; but no taxation ever can be

just that is thrown upon some particular class only; and if that class happen to be small and the demand great, the injustice done is directly proportionable to the greatness of the exaction and inversely to the number of the persons who are the objects of it. These are clear, irrefragable, and eternal principles.

But if, instead of exacting a part by a proportionable rate, the prince should go further and attempt to shake the whole mass of property itself, a mass perhaps not much less than that which is possessed by the whole peers of Great Britain, by confiscating the whole of the estates at once as a government resource, without the charge or pretence of any crime; I say, that such an act would be oppressive, cruel, and wicked in the highest degree. Yet this is what Mr. Hastings projected, and actually did accomplish.

My lords, at the treaty of Chunar, as it is called, Mr. Hastings (for he always artfully feels his way as he proceeds) first says that the Nabob shall be permitted to do this act if he pleases. He does not assume the government. He does not compel the Nabob to do anything. He does not force upon him this abandoned and wicked confiscation of the property of the whole nobility of a great country. All that he says is this,—the Nabob *may be permitted* to resume these jaghires. Why permitted? If the act had been legal, proper, and justifiable, he did not want our permission; he was a sovereign in his own dominions. But Mr. Hastings recollected that some of these jaghires (as they are called, and on which I shall say a very few words to your lordships) were guaranteed by the Company. The jaghires of his own house, of his mother and grandmother, were guaranteed by us. I must inform your lordships that upon some of our other exactions at an earlier period, the Nabob had endeavoured to levy a forced loan upon the jaghirdars. This forced loan was made and submitted to by those people upon a direct assurance of their rights in the jaghires, which right was guaranteed by the British resident, not only to the Begums and to the whole family of the Nabob, but also to all the other objects of the tax.

Before I proceed I will beg leave to state to you briefly the nature of these jaghires. The jaghirdars, the holders of jaghires, form the body of the principal Mahomedan nobility.

The great nobility of that country are divided into two parts: one part consists of the zemindars, who are the ancient proprietors of land, and the hereditary nobility of the country; these are mostly Gentoos. The Mahomedans form the other part, whose whole interest in the land consists in the jaghires, for very few indeed of them are zemindars anywhere; in some of the provinces none of them are so; the whole of them are jaghirdars.

We have heard, my lords, much discussion about jaghires. It is in proof before your lordships that they are of two sorts:—that a jaghire signifies exactly what the word *fee* does in the English language, or *feodum* in the barbarous Latin of the Feudists; that it is a word which signifies a salary or a maintenance, as did originally the English word fee, derived from the word *feod* and *feodum*. These jaghires, like other fees and like other feods, were given in land as a maintenance: some with the condition of service, some without any condition; some were annexed to an office, some were granted as the support of a dignity, and none were granted for a less term than life, except those that were immediately annexed to a lease. We have shown your lordships (and in this we have followed the example of Mr. Hastings) that some of them are fees granted actually in perpetuity; and in fact many of them are so granted. We are further to tell your lordships, that by the custom of the empire they are almost all grown as the feods in Europe are grown by use into something which is at least virtually an inheritance. This is the state of the jaghires and jaghirdars.

Among these jaghires we find, what your lordships would expect to find, an ample provision for all the nobility of that illustrious family of which the Nabob is the head; a prince whose family, both by father and mother, notwithstanding the slander of the prisoner against his benefactor, was undoubtedly of the first and most distinguished nobility of the Mahomedan empire. Accordingly his uncles, all his near relations, his mother, grandmother, all possessed jaghires, some of very long standing, and most of them not given by the Nabob.

I take some pains in explaining this business, because I trust your lordships will have a strong feeling against any confiscation for the purpose of revenue. Believe me, my

lords, if there is anything which will root the present order of things out of Europe, it will begin, as we see it has already begun in a neighbouring country, by confiscating, for the purposes of the state, grants made to classes of men, let them be held by what names, or be supposed susceptible of what abuses soever. I will venture to say that Jacobinism never can strike a more deadly blow against property, rank, and dignity, than your lordships, if you were to acquit this man, would strike against your own dignity and the very being of the society in which we live.

Your lordships will find in your printed minutes who the jaghirdars were, and what was the amount of their estates. The jaghires of which Mr. Hastings authorized the confiscation, or what he calls a *resumption*, appear from Mr. Purling's account, when first the forced loan was levied upon them, under his residentship, to amount to £285,000 sterling per annum; which £285,000, if rated and valued according to the different value of provisions and other necessaries of life in that country and in England, will amount, as near as may be, to about £600,000 a year. I am within compass. Everybody conversant with India will say it is equivalent at least to £600,000 a year in England; and what a blow such a confiscation as this would be on the fortunes of the peers of Great Britain, your lordships will judge. I like to see your estates as great as they are;—I wish they were greater than they are; but whatever they are, I wish above all that they should be perpetual. For dignity and property in this country *esto perpetua* shall be my prayer this day, and the last prayer of my life. The Commons therefore of Great Britain, those guardians of property, who will not suffer the monarch they love, the government which they adore, to levy one shilling upon the subject in any other way than the law and statutes of this kingdom prescribe, will not suffer nor can they bear the idea that any single class of people should be chosen to be the objects of a contrary conduct, nor that even the Nabob of Oude should be permitted to act upon such a flagitious principle. When an English governor has substituted a power of his own instead of the legal government of the country, as I have proved this man to have done, if he found the prince going to do an act which would shake the property of all the nobility of the country,

he surely ought to raise his hand and say, "You shall not make my name your sanction for such an atrocious and abominable act as this confiscation would be."

Mr. Hastings, however, whilst he gives, with an urbanity for which he is so much praised, his consent to this confiscation, adds there must be pensions secured for all persons losing their estates who had the security of our guarantee. Your lordships know that Mr. Hastings by his guarantee had secured their jaghires to the Nabob's own relations and family. One would have imagined that, if the estates of those who were without any security were to be confiscated at his pleasure, those at least who were guaranteed by the Company, such as the Begums of Oude, and several of the principal nobility of the Nabob's family, would have been secure. He indeed says that pensions shall be given them, for at this time he had not got the length of violating, without shame or remorse, all the guarantees of the Company. There shall, says he, be pensions given. If pensions were to be given to the value of the estate, I ask what has this violent act done? You shake the security of property, and, instead of suffering a man to gather his own profits with his own hands, you turn him into a pensioner upon the public treasury. I can conceive that such a measure will render these persons miserable dependants instead of independent nobility; but I cannot conceive what financial object can be answered by paying that in pension which you are to receive in revenue. This is directly contrary to financial economy. For when you stipulate to pay out of the treasury of government a certain pension, and take upon you the receipts of an estate, you adopt a measure by which government is almost sure of being a loser. You charge it with a certain fixed sum, and even upon a supposition that, under the management of the public, the estate will be as productive as it was under the management of its private owner, (a thing highly improbable,) you take your chance of a reimbursement, subject to all the extra expense and to all the accidents that may happen to a public revenue. This confiscation could not therefore be justified as a measure of economy; it must have been designed merely for the sake of shaking and destroying the property of the country.

The whole transaction, my lords, was an act of gross vio-

lence ushered in by a gross fraud. It appears that no pensions were ever intended to be paid; and this you will naturally guess would be the event when such a strange metamorphosis was to be made as that of turning a great landed interest into a pensionary payment. As it could answer no other purpose, so it could be intended for no other than that of getting possession of these jaghires by fraud. This man, my lords, cannot commit a robbery without indulging himself at the same time in the practice of his favourite arts of fraud and falsehood.

And here I must again remind your lordships, that at the time of the treaty of Chunar, the jaghires were held in the following manner:—Of the £285,000 a year which was to be confiscated, the old grants of Sujah Dowlah, the grandfather of the Nabob, amounted to near two-thirds of the whole, as you will find in the paper to which we refer you. By this confiscation, therefore, the Nabob was authorized to *resume* grants of which he had not been the grantor.

[Mr. Burke here read the list of the jaghires.]

Now, my lords, you see that all these estates, except £25,782 a year, were either jaghires for the Nabob's own immediate family, settled by his father upon his mother, and by his father's father upon his grandmother, and upon Salar Jung, his uncle, or were the property of the most considerable nobility, to the gross amount of £285,000. Mr. Hastings confesses that the Nabob reluctantly made the confiscation to the extent proposed. Why? Because, says he, the orderlies, namely, certain persons so called, subservient to his debaucheries, were persons whom he wished to spare. Now, I am to show you, that this man, whatever faults he may have in his private morals (with which we have nothing at all to do), has been slandered throughout by Mr. Hastings. Take his own account of the matter. The Nabob, says he, would have confiscated all the rest, except his orderlies, whom he would have spared, but I, finding where his partiality lay, compelled him to sacrifice the whole; for otherwise he would have sacrificed the good to save the bad. Whereas, says Mr. Hastings, in effect my principle was to sacrifice the good, and at the same time to punish the bad. Now compare the account he gives of the proceedings of Azoph ul Dowlah

with his own. Azoph ul Dowlah, to save some unworthy persons who had jaghires, would, if left to his own discretion, have confiscated those only of the deserving; while Mr. Hastings, to effect the inclusion of the worthless in the confiscation, confiscates the jaghires of the innocent and the virtuous men of high rank, and of those who had all the ties of nature to plead for the Nabob's forbearance, and reduced them to a state of dependency and degradation.

Now, supposing these two villanous plans, neither of which your lordships can bear to hear the sound of, to stand equal in point of morality, let us see how they stand in point of calculation. The unexceptionable part of the £285,000 amounted to £260,000 a year; whereas, supposing every part of the new grants had been made to the most unworthy persons, it only amounted to £25,000 a year. Therefore by his own account, given to you and to the Company, upon this occasion, he has confiscated £260,000 a year, the property of innocent, if not of meritorious individuals, in order to punish by confiscation those who had £25,000 a year only. This is the account he gives you himself of his honour, his justice, and his policy in these proceedings.

But, my lords, he shall not escape so. It is in your minutes, that so far was the Nabob from wishing to save the new exceptionable grants, that at the time of the forced loan I have mentioned, and also when the resumption was proposed, he was perfectly willing to give up every one of them, and desired only that his mother, his uncles, and his relations, with other individuals, the prime of the Mahomedan nobility of that country, should be spared. Is it not enough that this poor Nabob, this wretched prince, is made a slave to the man now standing at your bar; that he is made by him a shame and a scandal to his family, his race, and his country; but he must be cruelly aspersed, and have faults and crimes attributed to him that do not belong to him? I know nothing of his private character and conduct; Mr. Hastings, who deals in scandalous anecdotes, knows them. But I take it upon the face of Mr. Purling's assertion, and I say that the Nabob would have consented to an arbitrary taxation of the jaghires, and would have given up to absolute confiscation every man, except those honourable persons I have mentioned.

The prisoner himself has called Mr. Wombwell to prove

the names of those infamous persons, with a partiality for whom Mr. Hastings has aspersed the Nabob, in order to lay the ground for the destruction of his family. They amount to only six in number; and when we come to examine these six, we find that their jaghires were perfectly contemptible. The list of the other jaghirdars your lordships see fills up pages; and the amount of their incomes I have already stated. Your lordships now see how inconsiderable, both in number and amount, were the culpable jaghires, in the destruction of which he has involved the greater number and the meritorious. You see that the Nabob never did propose any exemption of the former at any time; that this was a slander and a calumny on that unhappy man, in order to defend the violent acts of the prisoner; who has recourse to slander and calumny as a proper way to defend violence, outrage, and wrongs.

We have now gone through the first stage of Mr. Hastings's confiscation of the estates of these unhappy people. When it came to be put in execution, Mr. Middleton finds the Nabob reluctant, in the greatest degree, to make this sacrifice of his family and of all his nobility. It touched him in every way in which shame and sympathy can affect a man. He falls at the feet of Mr. Middleton; he says, I signed the treaty of Chunar upon an assurance that it was never meant to be put in force. Mr. Middleton nevertheless proceeds; he sends the family of the Nabob out of the country; but he entertains fears of a general revolt as the consequence of this tyrannical act, and refers the case back to Mr. Hastings, who insists upon its being executed in its utmost extent. The Nabob again remonstrates in the strongest manner; he begs, he prays, he dissembles, he delays. One day he pretends to be willing to submit, the next he hangs back, just as the violence of Mr. Hastings or his own natural feelings and principles of justice dragged him one way or dragged him another. Mr. Middleton, trembling and under the awe of that *dreadful responsibility* under which your lordships may remember Mr. Hastings had expressly laid him upon that occasion, ventures at once to usurp the Nabob's government. He usurped it openly and avowedly. He declared that he himself would issue his perwannahs as governor of the country, for the purpose of executing this abominable

confiscation. He assumed, I say, to himself the government of the country, and Mr. Hastings had armed him with a strong military force for that purpose; he declared he would order those troops to march for his support; he at last got this reluctant, struggling Nabob to consent in the manner we have described.

I shall now read to your lordships Mr. Middleton's letters, that you may hear these men with their own mouths describing their own acts; and that your lordships may then judge whether the highest tone and language of crimination comes up to their own description of their own proceedings.

"Lucknow, the 6th of Dec., 1781.

"Finding the Nabob wavering in his determination about the resumption of the jaghires, I this day, in presence of and with the minister's concurrence, ordered the necessary perwannahs to be written to the several aumils for that purpose, and it was my firm resolution to have despatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the minister of the resolution I had taken, entreating that I would withhold the perwannahs till to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the despatch of the perwannahs appeared of little moment, and as it is possible the Nabob, seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in his request; but be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the ministers. Your pleasure respecting the Begums I have learnt from Sir Elijah; and the measure heretofore proposed will soon follow the resumption of the jaghires; from both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance."

"Lucknow, the 7th Dec., 1781.

"MY DEAR SIR,

"I had the honour to address you yesterday, informing you of the steps I had taken in regard to the resumption of

the jaghires. This morning the Vizier came to me, according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me.; I therefore declared to the Nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I constructed his rejection of the measure purposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power towards liquidating his heavy accumulated debt to the Company, and that I must in consequence determine, in my own justification, to issue immediately the perwannahs, which had only been withheld in the sanguine hope that he would be prevailed upon to make that his own act, which nothing but the most urgent necessity could force me to make mine. He left me without any reply, but afterwards sent for his minister, and authorized him to give me hopes that my requisition would be complied with, on which I expressed my satisfaction; but declared that I could admit of no further delays, and unless I received his excellency's formal acquiescence before the evening, I should then most assuredly issue my perwannahs, which I have accordingly done, not having had any assurances from his excellency that could justify a further suspension. I shall, as soon as possible, inform you of the effect of the perwannahs, which, in many parts, I am apprehensive it will be found necessary to enforce with military aid; I am not, however, entirely without hopes that the Nabob, when he sees the inefficacy of further opposition, may alter his conduct, and prevent the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance without his concurrence; his excellency talks of going to Fyzabad for the purpose heretofore mentioned, in three or four days. I wish he may be serious in this intention, and you may rest assured I shall spare no pains to keep him to it."

"Lucknow, 28th December, 1781.

"If your new demand is to be insisted upon, which your letter seems to portend, I must beg your precise orders upon it, as from the difficulties I have within these few days experienced, in carrying the points you had enjoined with the Nabob, I have the best grounds for believing that he would consider it a direct breach of the late agreement, and totally reject the proposal as such; and I must own to you, that in his present fermented state of mind, I could expect nothing less than despair, and a declared rupture.

"He has by no means been yet able to furnish me with means of paying off the arrears due to the temporary brigade, to the stipulated term of its continuance in his service; the funds necessary for paying off and discharging his own military establishment, under British officers, and his pension list, have been raised, on the private credit of Mr. Johnson and myself, from the shroffs of this place, to whom we are at this moment pledged for many lacks of rupees; and without such aid, which I freely and at all hazards yielded, because I conceived it was your anxious desire to relieve the Nabob as soon as possible of this heavy burden, the establishment must have been at his charge to this time, and probably for months to come, while his resources were strained to the utmost to furnish jaidads for its maintenance to this period. I therefore hesitate not to declare it utterly impossible for him, under any circumstances whatever, to provide funds for the payment of the troops you now propose to send him.

"The wresting Furruckabad, Kyrague, and Fyzula Cawn's country from his government (for in that light, my dear sir, I can faithfully assure you, he views the measures adopted in respect to those countries), together with the resumption of all the jaghires, so much against his inclination, have already brought the Nabob to a persuasion that nothing less than his destruction, or the annihilation of every shadow of his power, is meant; and all my labours to convince him to the contrary have proved abortive. A settled melancholy has seized him, and his health is reduced beyond conception; and I do most humbly believe, that the march of four regiments of sepoys towards Lucknow, under whatever circumstances it might be represented, would be considered by him as a force ultimately

to be used in securing his person. In short, my dear sir, it is a matter of such immediate moment, and involving, apparently, such very serious and important consequences, that I have not only taken upon me to suspend the communication of it to the Nabob, until I should be honoured with your further commands, but have also ventured to write the enclosed letter to Colonel Morgan; liberties which I confidently trust you will excuse, when you consider that I can be actuated by no other motive than a zeal for the public service; and that if, after all, you determine that the measure shall be insisted on, it will be only the loss of six, or at most eight days in proposing it. But in the last event, I earnestly entreat your orders may be explicit and positive, that I may clearly know what lengths you would wish me to proceed in carrying them into execution. I again declare it is my firm belief,—and assure yourself, my dear Mr. Hastings, I am not influenced in this declaration by any considerations but my public duty and my personal attachment to you,—that the enforcing the measure you have proposed would be productive of an open rupture between us and the Nabob; nay, that the first necessary step towards carrying it into effect must be, on our part, a declaration of hostility."

Your lordships have now before your eyes proofs, furnished by Mr. Hastings himself, from his correspondence with Mr. Middleton, irrefragable proofs that this Nabob, who is stated to have made the proposition himself, was dragged to the signature of it; and that the troops which are supposed, and fraudulently stated (and I wish your lordships particularly to observe this), to have been sent to assist him in this measure, were considered by him as a body of troops sent to imprison him, and to free him from all the troubles and pains of government.

When Mr. Hastings sent the troops for the purpose, as he pretended, of assisting the Nabob in the execution of a measure which was really adopted in direct opposition to the wishes of that prince, what other conclusion could be drawn but that they were sent to overawe, not to assist him. The march of alien troops into a country, upon that occasion, could have no object but hostility; they could have been sent with no other design but that of bringing disgrace upon

the Nabob by making him the instrument of his family's ruin, and of the destruction of his nobility. Your lordships, therefore, will not wonder that this miserable man should have sunk into despair, and that he should have felt the weight of his oppression doubly aggravated by its coming from such a man as Mr. Hastings, and by its being enforced by such a man as Mr. Middleton.

And here I must press one observation upon your lordships, —I do not know a greater insult that can be offered to a man born to command, than to find himself made the tool of a set of obscure men come from an unknown country, without anything to distinguish them but an usurped power. Never shall I, out of compliment to any persons, because they happen to be my own countrymen, disguise my feelings or renounce the dictates of nature and of humanity. If we send out obscure people, unknowing and unknown, to exercise such acts as these, I must say it is a bitter aggravation of the victim's suffering. Oppression and robbery are at all times evils, but they are more bearable when exercised by persons whom we have been habituated to regard with awe, and to whom mankind for ages have been accustomed to bow.

Now, does the history of tyranny furnish—does the history of popular violence deposing kings furnish anything like the dreadful deposition of this prince, and the cruel and abominable tyranny that has been exercised over him? Consider too, my lords, for what object all this was done. Was Mr. Hastings endeavouring, by his arbitrary interference and the use of his superior power, to screen a people from the usurpation and power of a tyrant; from any strong and violent acts against property, against dignity, against nobility, against the freedom of his people? No: you see here a monarch deposed in effect by persons pretending to be his allies; and assigning what are pretended to be his wishes, as the motive for using his usurped authority in the execution of these acts of violence against his own family and his subjects. You see him struggling against this violent prostitution of his authority. He refuses the sanction of his name, which before he had given up to Mr. Hastings to be used as he pleased, and only begs not to be made an instrument of wrong which his soul abhors, and which would make him infamous throughout the world. Mr. Middleton, however,

assumes the sovereignty of the country. I, he says, am Nabob of Oude: the jaghires shall be confiscated; I have given my orders, and they shall be supported by a military force.

I am ashamed to have so far distrusted your lordships' honourable and generous feelings, as to have offered you upon this occasion any remarks which you must have run before me in making. Those feelings which you have and ought to have,—feelings born in the breasts of all men, and much more in men of your lordships' elevated rank,—render my remarks unnecessary. I need not, therefore, ask what you feel, when a foreign resident, at a prince's court, takes upon himself to force that prince to act the part of a tyrant, and, upon his resistance, openly and avowedly assumes the sovereignty of the country. You have it in proof that Mr. Middleton did this. He not only put his own name to the orders for this horrible confiscation, but he actually proceeded to dispossess the jaghirdars of their lands, and to send them out of the country. And whom does he send in the place of this plundered body of nobility, to take possession of the country? Why the usurers of Benares? Yes, my lords, he immediately mortgages the whole country to the usurers of Benares, for the purpose of raising money upon it; giving it, up to those blood-suckers, dispossessed of that nobility whose interest, whose duty, whose feelings, and whose habits made them the natural protectors of the people.

My lords, we here see a body of usurers put into possession of all the estates of the nobility; let us now see if this act was necessary, even for the avowed purposes of its agents—the relief of the Nabob's financial difficulties, and the payment of his debts to the Company. Mr. Middleton has told your lordships that these jaghires would pay the Company's debt completely in two years. Then, would it not have been better to have left these estates in the hands of their owners, and to have oppressed them in some moderate, decent way? Might they not have left the jaghirdars to raise the sums required by some settlement with the bankers of Benares, in which the repayment of the money, within five or six years, might have been secured, and the jaghirdars have had in the mean time something to subsist upon? O no; these victims must have nothing to live upon. They must be turned out. And why? Mr. Hastings commands it.—Here

I must come in aid of Mr. Middleton a little; for one cannot but pity the miserable instruments that have to act under Mr. Hastings. I do not mean to apologize for Mr. Middleton, but to pity the situation of persons who, being servants of the Company, were converted by the usurpation of this man into his subjects and his slaves. The mind of Mr. Middleton revolts. You see him reluctant to proceed. The Nabob begs a respite. You find in the resident a willingness to comply. Even Mr. Middleton is placable. Mr. Hastings alone is obdurate. His resolution to rob and to destroy was not to be moved, and the estates of the whole Mahomedan nobility of a great kingdom were confiscated in a moment. Your lordships will observe that his orders to Mr. Middleton allow no forbearance. He writes thus to him:

"Sir,—My mind has been for some days suspended between two opposite impulses; one arising from the necessity of my return to Calcutta; the other, from the apprehension of my presence being more necessary and more urgently wanted at Lucknow. Your answer to this shall decide my choice.

"I have waited thus long, in the hopes of hearing that some progress had been made in the execution of the plan which I concluded with the Nabob in September last. I do not find that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the Nabob's resolutions to deprive the Begums of their ill-employed treasures. In both services, it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negotiation or forbearance, but must prosecute both services, until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement. You will have a force more than sufficient to effect both these purposes.

"The reformation of his army, and the new settlement of his revenues, are also points of immediate concern, and ought to be immediately concluded. Has anything been done in either?

"I now demand and require you most solemnly to answer me. Are you confident in your own ability to accomplish all these purposes, and the other points of my instructions? If you reply that you are, I will depart with a quiet and assured mind to the presidency, but leave you a dreadful responsibility if you disappoint me. If you tell me that you cannot rely upon your power, and the other means which you possess for performing these services, I will free you from the charge. I will proceed myself to Lucknow, and I will myself undertake them; and in that case, I desire that you will immediately order bearers to be stationed, for myself and two other gentlemen, between Lucknow and Illahabad, and I will set out from hence in three days after the receipt of your letter.

"I am sorry that I am under the necessity of writing in this pressing manner. I trust implicitly to your integrity. I am certain of your attachment to myself, and I know that your capacity is equal to any service; but I must express my doubts of your firmness and activity, and above all of your recollection of my instructions, and of their importance. My conduct in the late arrangements will be arraigned with all the rancour of disappointed rapacity, and my reputation and influence will suffer a mortal wound from the failure of them; they have already failed in a degree, since no part of them has yet taken place, but the removal of our forces from the Douab and Rohilcund, and of the British officers and pensioners from the service of the Nabob, and the expenses of the former thrown without any compensation on the Company.

"I expect a supply of money equal to the discharge of all the Nabob's arrears, and am much disappointed and mortified that I am not now able to return with it.

"Give me an immediate answer to the question which I have herein proposed, that I may lose no more time in fruitless inaction."

About this time Mr. Hastings had received information of our inquiries in the House of Commons into his conduct; and this is the manner in which he prepares to meet them. I must get money. I must carry with me that great excuse for everything, that salve for every sore, that expiation for every crime; let me provide that, all is well. You, Mr. Mid-

dleton, try your nerves; are you equal to these services? examine yourself; see what is in you; are you man enough to come up to it? says the great robber to the little robber—says Roland the great to his puny accomplice—are you equal to it? Do you feel yourself a man? If not, send messengers and *dawks* to me, and I, the great master tyrant, will come myself, and put to shame all the paltry, delegate tools of despotism, that have not edge enough to cut their way through, and do the services I have ordained for them.

I have already stated to your lordships his reason and motives for this violence, and they are such as aggravated his crime by attempting to implicate his country in it. He says he was afraid to go home without having provided for the payment of the Nabob's debt. Afraid of what? Was he afraid of coming before a British tribunal, and saying,—through justice, through a regard for the rights of an allied sovereign, through a regard to the rights of his people, I have not got so much as I expected? Of this no man could be afraid. The prisoner's fear had another origin. I have failed, says he to himself, in my first project. I went to Benares to rob; I have lost by my violence the fruits of that robbery; I must get the money somewhere, or I dare not appear before a British House of Commons, a British House of Lords, or any other tribunal in the kingdom; but let me get money enough, and they won't care how I get it. The estates of whole bodies of nobility may be confiscated. A people who had lived under their protection may be given up into the hands of foreign usurers; they will care for none of these things. They will suffer me to do all this, and to employ in it the force of British troops, whom I have described as a set of robbers, provided I can get money. These were Mr. Hastings's views; and in accordance with them, the jaghires were all confiscated, the jaghirdars with their families were all turned out, the possessions delivered up to the usurer, in order that Mr. Hastings might have the excuse of money to plead at the bar of the House of Commons, and afterwards at the bar of the House of Lords. If your lordships, in your sacred character of the first tribunal in the world, should, by your judgment, justify those proceedings, you will sanction the greatest wrongs that have been ever known in history.

But to proceed. The next thing to be asked is, Were the promised pensions given to the jaghirdars? I suppose your lordships are not idle enough to put that question to us.—No compensation, no consideration was given or stipulated for them. If there had been any such thing, the prisoner could have proved it. He would have proved it. The means were easy to him; but we have saved him the trouble of the attempt. We have proved the contrary, and, if called upon, we will show you the place where this is proved.

I have now shown your lordships how Mr. Hastings, having with such violent and atrocious circumstances usurped the government of Oude (I hope I need not use any further proof that the Nabob was in effect non-existent in the country), treated all the landed property; the next question will be, How has he treated whatever monied property was left in the country? My lords, he looked over that immense waste of his own creating, not as Satan viewed the kingdoms of the world and saw the power and glory of them; but he looked over the waste of Oude, with a diabolical malice which one could hardly suppose existed in the prototype himself. He saw nowhere above ground one single shilling that he could attach; no, not one; every place had been ravaged; no money remained in sight; but possibly some might be buried in vaults, hid from the gripe of tyranny and rapacity. It must be so, says he; where can I find it? how can I get at it? There is one illustrious family that is thought to have accumulated a vast body of treasures through a course of three or four successive reigns. It does not appear openly; but we have good information that very great sums of money are bricked up and kept in vaults under ground, and secured under the guard and within the walls of a fortress, the residence of the females of the family,—a guard, as your lordships know, rendered doubly and trebly secure by the manners of the country, which make everything that is in the hands of women sacred. It is said that nothing is proof against gold; that the strongest tower will not be impregnable if Jupiter makes love in a golden shower. This Jupiter commences making love, but he does not come to the ladies with gold for their persons, he comes to their persons for their gold. This impetuous lover, Mr. Hastings, who is not to be stayed from the objects of his passion,

would annihilate space and time between him and his beloved object, the jaghires of these ladies.

Your lordships have already had a peep behind the curtain, in the first orders sent to Mr. Middleton. In the treaty of Chunar you see a desire, obliquely expressed, to get the landed estates of all these great families. But even while he was meeting with such reluctance in the Nabob upon this point, and though he also met with some resistance upon the part even of Mr. Middleton, Mr. Hastings appears to have given him in charge some other still more obnoxious and dreadful acts. "While I was meditating," says Mr. Middleton in one of his letters upon this [the resumption of the jaghires], "your orders came to me through Sir Elijah Impey." What these orders were is left obscure in the letter: it is yet but as in a mist or cloud. But it is evident that Sir Elijah Impey did convey to him some project for getting at more wealth by some other service, which was not to supersede the first, but to be concurrent with that upon which Mr. Hastings had before given him such dreadful charges, and had loaded him with such horrible responsibility. It could not have been anything but the seizure of the Begum's treasures. He thus goaded on two reluctant victims, first the reluctant Nabob, then the reluctant Mr. Middleton, forcing them with the bayonet behind them, and urging on the former, as at last appears, to violate the sanctity of his mother's house.

Your lordships have been already told by one of my able fellow-managers, that Sir Elijah Impey is the person who carried up the message alluded to in Mr. Middleton's letter; we have charged it as an aggravation of the offences of the prisoner at your bar, that the chief justice, who by the sacred nature of his office, and by the express provisions of the act of parliament, under which he was sent out to India to redress the wrongs of the natives, should be made an instrument for destroying the property, real and personal, of this people. When it first came to our knowledge that all this private intrigue for the destruction of these high women was carried on through the intrigue of a chief justice, we felt such shame and such horror both for the instrument and the principal, as

I think it impossible to describe, or for anything but complete and perfect silence to express.

But by Sir Elijah Impey was that order carried up to seize and confiscate the treasures of the Begums. We know that neither the Company nor the Nabob had any claim whatever upon these treasures. On the contrary, we know that two treaties had been made for the protection of them. We know that the Nabob, while he was contesting about some elephants and carriages, and some other things that he said were in the hands of their steward, did allow that the treasures in the custody of his grandmother and of his mother's principal servants, were their property. This is the Nabob who is now represented by Mr. Hastings and his counsel to have become the instrument of destroying his mother and grandmother, and everything else that ought to be dear to mankind throughout the whole train of his family.

Mr. Hastings, having resolved to seize upon the treasures of the begums, is at a loss for some pretence of justifying the act. His first justification of it is on grounds which all tyrants have ready at their hands. He begins to discover a legal title to that of which he wished to be the possessor; and on this title sets up a claim to these treasures. I say Mr. Hastings set up this claim, because by this time I suppose your lordships will not bear to hear the Nabob's name on such an occasion. The prisoner pretended that, by the Mahomedan law these goods did belong to the Nabob; but whether they did or did not, he had himself been an active instrument in the treaty for securing their possession to the Begums; a security which he attempts to unlock by his constructions of the Mahomedan law. Having set up this title, the guarantee still remained, and how is he to get rid of that? In his usual way. You have rebelled; you have taken up arms against your own son (for that is the pretext), and therefore my guarantee is gone, and your goods, whether you have a title to them or not, are to be confiscated for your rebellion; this is his second expedient by way of justification.

Your lordships will observe the strange situation in which we are here placed. If the fact of the rebellion can be proved, the discussion of the title to the property in question will be totally useless; for if the ladies had actually taken up arms

to cut the Nabob's throat, it would require no person to come from the dead to prove to us that the Nabob, but not Mr. Hastings, had a right for his own security and for his own indemnification to take those treasures, which, whether they belonged to him or not, were employed in hostilities against him. The law of self-defence is above every other law; and if any persons draw the sword against you, violence on your part is justified, and you may use your sword to take from them that property by which they have been enabled to draw their sword against you.

But the prisoner's counsel do not trust to this justification;—they set up a title of right to these treasures; but how entirely they have failed in their attempts to substantiate either the one or the other of these his alleged justifications, your lordships will now judge. And first with regard to the title; the treasure, they say, belonged to the state. The grandmother and mother have robbed the son, and kept him out of his rightful inheritance. They then produce the Hedaia to show you what proportion of the goods of a Mussulman when he dies goes to his family, and here certainly there is a question of law to be tried; but Mr. Hastings is a great eccentric genius, and has a course of proceeding of his own; he first seizes upon the property, and then produces some Mahomedan writers to prove that it did not belong to the persons who were in possession of it. You would naturally expect that when he was going to seize upon those goods, he would have consulted his chief justice, for as Sir Elijah Impey went with him, he might have consulted him; and have thus learnt what was the Mahomedan law. For though Sir Elijah had not taken his degree at a Mahomedan college, though he was not a mufti or a molavie, yet he had always muftis and molavies near him, and he might have consulted them. But Mr. Hastings does not even pretend that such consultations or conferences were ever had. If he ever consulted Sir Elijah Impey, where is the report of the case, when were the parties before him? Where are the opinions of the molavies? Where is the judgment of the chief justice? Was he fit for nothing but to be employed as a messenger, as a common tipstaff? Was he not fit to try these rights, or to decide upon them? He has told you here indeed negatively, that he did not know any title Mr. Hast-

ings had to seize upon the property of the Begums, except upon his hypothesis of the rebellion. He was asked, if he knew any other. He answered no. It consequently appears, that Mr. Hastings, though he had before him his doctors of all laws, who could unravel for him all the enigmas of all the laws in the world, and who had himself shone upon questions of Mahomedan law, in the case of the Nudea Begum; did not dare to put this case to Sir Elijah Impey, and ask what was his opinion concerning the rights of these people; he was tender, I suppose, of the reputation of the chief justice. For Sir Elijah Impey, though a very good man to write a letter, or take an affidavit in a corner, or run on a message, to do the business of an under-sheriff, tipstaff, or bum-bailiff, was not fit to give an opinion on a question of Mahomedan law.

You have heard Ali Ibrahim Khân referred to; this Mahomedan lawyer was carried by Mr. Hastings up to Benares, to be a witness of the vast good he had done in that province, and was made chief justice there. All, indeed, that we know of him, except the high character given of him by Mr. Hastings, is, I believe, that he is the Ali Ibrahim Khân whom in the Company's records I find mentioned as a person giving bribes upon some former occasion to Mr. Hastings; but whatever he was besides, he was a doctor of the Mahomedan law, he was a mufti, and was made by Mr. Hastings the principal judge in a criminal court, exercising (as I believe) likewise a considerable civil jurisdiction, and therefore he was qualified as a lawyer; and Mr. Hastings cannot object to his qualifications either of integrity or of knowledge. This man was with him. Why did not he consult him upon this law? Why did he not make him out a case of John Doe and Richard Roe, of John Stokes and John a Nokes? Why not say Sinub possesses such things, under such and such circumstances, give me your opinion upon the legality of the possession. No; he did no such thing.

Your lordships, I am sure, will think it a little extraordinary, that neither this chief justice made by himself, nor that other chief justice whom he led about with him in a string; the one an English chief justice, with a Mahomedan suite in his court; the other a Mahomedan chief justice of the country; that neither of them was consulted as lawyers by

the prisoner. Both of them were indeed otherwise employed by him. For we find Ali Ibrahim Khân employed in the same subservient capacity in which Sir Elijah Impey was; in order, I suppose, to keep the law of England and the law of Mahomet upon a just par; for upon this equality Mr. Hastings always values himself. Neither of these two chief justices, I say, was ever consulted, nor one opinion taken; but they were both employed in the correspondence and private execution of this abominable project, when the prisoner himself had not either leisure or perhaps courage to give his public order in it till things got to greater ripeness.

To Sir Elijah Impey, indeed, he did put a question; and, upon my word, it did not require an Œdipus or a Sphinx to answer it. Says he, I asked Sir Elijah Impey—What? a question on the title between the Nabob and his mother? No such thing. He puts an hypothetical question. Supposing, says he, a rebellion to exist in that country; will the Nabob be justified in seizing the goods of the rebels? That is a question decided in a moment; and I must have a malice to Sir Elijah Impey, of which I am incapable, to deny the propriety of his answer. But observe, I pray you, my lords, there is something peculiarly good and correct in it; he does not take upon him to say one word of the actual existence of a rebellion, though he was at the time in the country, and if there had been any, he must have been a witness to it; but so chaste was his character as a judge, that he would not touch upon the juries' office. I am chief justice here, says he, though a little wandering out of my orbit; yet still the sacred office of justice is in me. Do you take upon you the fact; I find the law. Were it not for this sacred attention to separate jurisdictions, he might have been a tolerable judge of the fact. Just as good a judge as Mr. Hastings; for neither of them knew it any other way, as it appears afterwards, but by rumour and reports;—reports, I believe, of Mr. Hastings's own raising; for I do not know that Sir Elijah Impey had anything to do with them. • • .

But to proceed. With regard to the title of these ladies, according to the Mahomedan law;—you have nothing laid before you by the prisoner's counsel, but a quotation cut out with the scissors from a Mahomedan law book (which I suspect very much the learned gentlemen have never read

through), declaring how a Mahomedan's effects are to be distributed. But Mr. Hastings could not, at the time, have consulted that learned counsel who now defends him upon the principles of the Hedaia, the Hedaia not having been then published in English; and I will venture to say, that neither Sir Elijah Impey, nor Ali Ibrahim Khân, nor any other person, high or low, in India, ever suggested this defence; and that it was never thought of, till lately found by the learned counsel in the English translation of the Hedaia. God bless me! now says Mr. Hastings. What ignorance have I been in all this time! I thought I was seizing this unjustly, and that the pretence of rebellion was necessary; but my counsel have found out a book, since published, and from it they produce the law upon that subject, and show that the Nabob had a right to seize upon the treasures of his mother. But are your lordships so ignorant—your lordships are not ignorant of anything,—are any men so ignorant as not to know, that in every country the common law of distribution of the estate of an intestate amongst private individuals is no rule with regard to the family arrangements of great princes. Is any one ignorant, that, from the days of the first origin of the Persian monarchy, the laws of which have become rules ever since for almost all the monarchs of the East, the wives of great men have had, independent of the common distribution of their goods, great sums of money and great estates in land, one for their girdle, one for their veil, and so on, going through the rest of their ornaments and attire; and that they held great estates and other effects, over which the reigning monarch or his successor had no control whatever. Indeed, my lords, a more curious and extraordinary species of trial than this of a question of right never was heard of since the world began. Mr. Hastings begins with seizing the goods of the Begums at Fyzabad, nine thousand miles from you, and fourteen years after tries the title in an English court, without having one person to appear for these miserable ladies. I trust you will not suffer this mockery. I hope this last and ultimate shame will be spared us: for, I declare to God, that the defence and the principles of it appear to me ten thousand times worse than the act itself.

Now, my lords, this criminal, through his counsel, chooses

with their usual flippancy to say, that the Commons have been *cautious* in stating this part of the charge, knowing that they were on tender ground, and therefore did not venture to say *entitled*, but *possessed* of only. A notable discovery indeed! We are as far from being taken in by such miserable distinctions as we are incapable of making them. We certainly have not said that the Begums were entitled to, but only that they were possessed of, certain property. And we have so said because we were not competent to decide upon their title; because your lordships are not competent to decide upon their title; because no part of this tribunal is competent to decide upon their title. You have not the parties before you; you have not the cause before you, but are getting it by oblique, improper, and indecent means. You are not a court of justice to try that question. The parties are at a distance from you. They are neither present themselves, nor represented by any counsel, advocate, or attorney: and I hope no House of Lords will ever judge and decide upon the title of any human being, much less upon the title of the first women in Asia, sequestered, shut up from you, at nine thousand miles distance.

I believe, my lords, that the Emperor of Hindostan little thought, while Delhi stood, that an English subject of Mr. Hastings's description should domineer over the Vizier of his empire, and give the law to the first persons in his dominions. He as little dreamed of it as any of your lordships now dream that you shall have your property seized by a delegate from Lucknow, and have it tried by what tenure a peer or peeress of Great Britain hold, the one his estate, and the other her jointure, dower, or her share of goods, her paraphernalia, in any court of adawlet in Hindostan. If any such thing should happen,—for we know not what may happen; we live in an age of strange revolutions, and I doubt whether any more strange than this,—the Commons of Great Britain would shed their best blood, sooner than suffer that a tribunal at Lucknow should decide upon any of your titles, for the purpose of justifying a robber that has taken your property. We should do the best we could, if such a strange circumstance occurred.

The House of Commons, who are virtually the representatives of Lucknow, and who lately took £500,000 of their

money, will not suffer the natives first to be robbed of their property, and then the titles, which, by the laws of their own country, they have to the goods they possess, to be tried by any tribunal in Great Britain. Why was it not tried in India before Mr. Hastings? One would suppose that an English governor, if called to decide upon such a claim of the Nabob's, would doubtless be attended by judges, muftis, lawyers, and all the apparatus of legal justice.—No such thing: this man marches into the country, not with molavies, not with muftis, not with the solemn apparatus of Oriental justice:—no; he goes with colonels, and captains, and majors; these are his lawyers; and when he gets there, he demands from the parties, not their title.—No: Give me your money, is his cry. It is a shame (and I will venture to say that these gentlemen, upon recollection, will feel ashamed) to see the bar justify what the sword is ashamed of. In reading this correspondence, I have found these great muftis and lawyers, these great chief justices, attornies-general, and solicitors-general, called colonels and captains, ashamed of these proceedings, and endeavouring to mitigate their cruelty; yet we see British lawyers in a British tribunal supporting and justifying these acts, on the plea of defective titles.

The learned counsel asks, with an air of triumph, whether these ladies possessed these treasures by jointure, dower, will, or settlement. What was the title? Was it a deed of gift —was it a devise—was it *donatio causa mortis*—was it dower —was it jointure—what was it? To all which senseless and absurd questions we answer, You asked none of these questions of the parties, when you guaranteed to them, by a solemn treaty, the possession of their goods. Then was the time to have asked these questions: but you asked none of them. You supposed their right, and you guaranteed it, though you might then have asked what was their right. But besides the force and virtue of the guarantee, these unhappy princesses had ransomed themselves from any claim upon their property. They paid a sum of money, applied to your use, for that guarantee. They had a treble title—by possession, by guarantee, by purchase.

Again; did you ask these questions when you went to rob them of their landed estates, their money, their ornaments, and even their wearing apparel? When you sent those great

lawyers, major—major—and the other majors, and colonels, and captains, did you call on them to exhibit their title deeds? No—with a pistol at their breast, you demanded their money. Instead of forging a charge of rebellion against these unhappy persons, why did you not then call on them for their vouchers? No rebellion was necessary to give validity to a civil claim. What you could get by an ordinary judgment did not want confiscation called to its aid. When you had their eunuchs, their ministers, their treasurers, their agents, and attornies in irons, did you then ask any of these questions? No—Discover the money you have in trust, or *you* go to corporal punishment—*you* go to the castle of Chunar—here is another pair of irons;—this was the only language used.

When the court of directors, alarmed at the proceedings against these ancient ladies, ordered their Indian government to make an inquiry into their conduct, the prisoner had then an opportunity and a duty imposed upon him of entering into a complete justification of his conduct; he might have justified it by every civil and by every criminal mode of process. Did he do this? No—Your lordships have in evidence the manner, equally despotic, *rebellious*, insolent, fraudulent, tricking, and evasive, by which he positively refused all inquiry into the matter. How stands it now, more than twelve years after the seizure of their goods—at ten thousand miles distance? You ask of these women, buried in the depths of Asia, secluded from human commerce, what is their title to their estate. Have you the parties before you? have you summoned them? where is their attorney? where is their agent? where is their counsel? Is this law? Is this a legal process? Is this a tribunal—the highest tribunal of all—that which is to furnish the example for, and to be a control on all the rest? But what is worse, you do not come *directly* to the trial of this right to property. You are desired to surround and circumvent it; you are desired obliquely to steal an iniquitous judgment, which you dare not boldly ravish. At this judgment you can only arrive by a side wind. You have before you a criminal process against an offender; one of the charges against him is, that he has robbed matrons of high and reverend place. His defence is that they had not the apt deeds to entitle them in law to this property. *In*

this cause, with only the delinquent party before you, you are called upon to try their title on his allegations of its invalidity, and by acquitting him to divest them not only of their goods but of their honour; to call them disseizors, wrong-doers, cheats, defrauders of their own son. No hearing for them, no pleading, all appeal cut off. Was ever a man indicted for a robbery, that is, for the forcible taking of the goods possessed by another, suffered to desire the prosecutor to show the deeds or other instruments by which he acquired those goods? The idea is contemptible and ridiculous. Do these men dream? Do they conceive in their confused imaginations that you can be here trying such a question, and venturing to decide upon it? Your lordships will never do that which if you did do you would be unfit to subsist as a tribunal for a single hour; and if we on our part did not bring before you this attempt as the heaviest aggravation of the prisoner's crimes, we should betray our trust as representatives of the Commons of Great Britain. Having made this protest in favour of law, of justice, and good policy, permit me to take a single step more.

I will now show your lordships that it is very possible, nay very probable, and almost certain, that a great part of what these ladies possessed was a saving of their own, and independent of any grant. It appears in the papers before you that these unfortunate ladies had about £70,000 a year landed property. Mr. Bristow states in evidence before your lordships that their annual expenses did not exceed a lack and a half, and that their income was about seven lacks; that they had possessed this for twenty years before the death of Sujah Dowlah, and from the death of that prince to the day of the robbery. Now, if your lordships will calculate what the savings from an income of £70,000 a year will amount to, when the party spends about £15,000 a year, you will see that, by a regular and strict economy these people may have saved considerable property of their own, independent of their titles to any other property; and this is a rational way of accounting for their being extremely rich. It may be supposed, likewise, that they had all those advantages which ladies of high rank usually have in that country; gifts at marriage, &c. We know that there are deeds of gift by husbands to their wives during their lifetime, and many

other legal means by which women in Asia become possessed of very great property; but Mr. Hastings has taught them the danger of much wealth, and the danger of economy. He has shown them that they are saving, not for their families, for those who may possibly stand in the utmost need of it, but for tyrants, robbers, and oppressors.

My lords, I am really ashamed to have said so much upon the subject of their titles. And yet there is one observation more to be made, and then I shall have done with this part of the prisoner's defence. It is that the Nabob himself never has made a claim on this ground; even Mr. Hastings, his despotic master, could never get him regularly and systematically to make such a claim; the very reverse of this is the truth; when urged on to the commission of these acts of violence by Mr. Middleton, you have seen with what horror and how reluctantly he lends his name, and when he does so he is dragged like a victim to the stake. At the beginning of this affair, where do we find that he entered this claim as the foundation of it? Upon one occasion only, when dragged to join in this wicked act, something dropped from his lips which seemed rather to have been forced into his mouth, and which he was obliged to spit out again, about the possibility that he might have had some right to the effects of the Begums.

We next come to consider the manner in which these acts of violence were executed. They forced the Nabob himself to accompany their troops and their resident, Mr. Middleton, to attack the city and to storm the fort in which these ladies lived, and consequently to outrage their persons, to insult their character, and to degrade their dignity, as well as to rob them of all they had.

That your lordships may learn something of one of these ladies called the Munny Begum, I will refer you to Major Brown's evidence; a man who was at Delhi, the fountain-head of all the nobility of India, and must have known who this lady was that has been treated with such indignity by the prisoner at your bar. Major Brown was asked, What was the opinion at Delhi respecting the rank, quality, and character of the princesses of Oude or of either of them? The elder, or Munny Begum, was, says he, a woman of high rank; she was, I believe, the daughter of Saadit Ali Khân, a

person of high rank in the time of Mahomed Shah.—Do you know whether any woman in all Hindostan was considered of superior rank or birth? he answers, I believe not, except those of the royal family. She was a near relation to Mirza Shuffee Khân, who was a noble of nobles, the first person at that day in the empire. In answer to another question put by a noble lord, in the same examination, respecting the conversation which he had with Mirza Shuffee Khân, and of which he had given an account, he says, he (Mirza Shuffee Khân) spoke of the attempt to seize the treasures of the Begums, which was then suspected, in terms of resentment and as a disgrace in which he participated, as being related by blood to the house of Suffder Jung, who was the husband of the old Begum. He says afterwards, in the same examination, that he, the Begum's husband, was the second man, and that her father was the first man, in the Mogul empire. Now the Mogul empire, when this woman came into the world, was an empire of that dignity that kings were its subjects; and this very Mirza Shuffee Khân that we speak of, her near relation, was then a prince with a million a year revenue, and a man of the first rank, after the Great Mogul, in the whole empire.

My lords, these were people that ought to have been treated with a little decorum. When we consider the high rank of their husbands, their fathers, and their children—a rank so high that we have nothing in Great Britain to compare with theirs—we cannot be surprised that they were left in possession of great revenues, great landed estates, and great monied property. All the female parts of these families, whose alliance was, doubtless, much courted, could not be proffered in marriage and endowed in a manner agreeably to the dignity of such persons, but with great sums of money; and your lordships must also consider the multitude of children of which these families frequently consisted. The consequences of this robbery were such as might naturally be expected. It is said, that not one of the females of this family has since been given in marriage.

But all this has nothing to do with the rebellion. If they had, indeed, rebelled to cut their own son's throat, there is an end of the business. But what evidence have you of this fact; and if none can be produced, does not the prisoner's

defence aggravate infinitely his crime and that of his agents? Did they ever once state to these unfortunate women that any such rebellion existed? Did they ever charge them with it? Did they ever set the charge down in writing, or make it verbally, that they had conspired to destroy their son, a son whom Mr. Hastings had brought there to rob them? No, this was what neither Mr. Hastings nor his agent ever did; for as they never made a civil demand upon them, so they never made a criminal charge against them, or against any person belonging to them.

I save your lordships the trouble of listening to the manner in which they seized upon these people, and dispersed their guard. Mr. Middleton states that they found great difficulties in getting at their treasures; that they stormed their forts successively, but found great reluctance in the sepoys to make their way into the inner enclosures of the women's apartments. Being at a loss what to do, their only resource, he says, was to threaten that they would seize their eunuchs. These are generally persons who have been bought slaves, and who, not having any connexions in the country where they are settled, are supposed to guard both the honour of the women and their treasures with more fidelity than other persons would do. We know that in Constantinople, and in many other places, these persons enjoy offices of the highest trust, and are of great rank and dignity; and this dignity and rank they possess for the purpose of enabling them to fulfil their great trusts more effectually. The two principal eunuchs of the Begums were Jewar and Behar Ali Khàn, persons of as high rank and estimation as any people in the country. These persons, however, were seized, not, says Mr. Hastings, for the purpose of extorting money, as assumed in the charge, but as agents and principal instruments of exciting the insurrection before alluded to, &c. Mr. Hastings declares that they were not seized for the purpose of extorting money, but that they were seized in order to be punished for their crimes, and, *eo nomine*, for this crime of rebellion. Now this crime could not have been committed immediately by women themselves; for no woman can come forward and head her own troops. We have not heard that any woman has done so since the time of Zenobia, in another part of the East; and we know that in Persia no person can

behold the face of a woman of rank, or speak to females of condition but through a curtain; therefore they could not go out themselves and be active in a rebellion. But, I own, it would be some sort of presumption against them if Jewar Ali Khân and Behar Ali Khân had headed troops and been concerned in acts of rebellion; and the prisoner's counsel have taken abundance of pains to show that such persons do sometimes head armies and command legions in the East. This we acknowledge that they sometimes do. If these eunuchs had behaved in this way, if they had headed armies and commanded legions, for the purposes of rebellion, it would have been a fair presumption that their mistresses were concerned in it. But instead of any proof of such facts, Mr. Hastings simply says, we do not arrest them for the purpose of extorting money, but as a punishment for their crimes. By Mr. Middleton's account you will see the utter falsity of this assertion. God knows what he has said that is true. It would indeed be singular not to detect him in a falsity, but in a truth. I will now show your lordships the utter falsity of this wicked allegation.

There is a letter from Mr. Middleton to Sir Elijah Impey, dated Fyzabad, the 25th of January, 1782, to which I will call your lordships' attention.

"Dear Sir Elijah,—I have the satisfaction to inform you that we have at length so far obtained the great object of our expedition to this place, as to commence on the receipt of money, of which, in the course of this day, we have got about six lacks. I know not yet what amount we shall actually realize, but I think I may safely venture to pronounce it will be equal to the liquidation of the Company's balance. It has been at once the most important and the most difficult point of duty which has ever occurred in my office; and the anxiety, the hopes, and fears, which have alternately agitated my mind, cannot be described or conceived but by those who have been witness to what has passed in the course of this long contest. The [Nabob's] ministers have supported me nobly, and deserve much commendation. Without the shrewd discernment and knowledge of the finesse and tricks of the country which Hyder Beg Khân possesses, I believe we should have succeeded but

indifferently; for I soon found that no real advantage was to be obtained by proceeding at once to violent extremities with the Begum, and that she was only to be attacked through the medium of her confidential servants, who it required considerable address to get hold of. However, we at last effected it; and by using some few severities with them, we at length came at the secret hoards of this old lady. I will write you more particulars hereafter.

"I am sorry to inform you my little boy still continues in a very precarious way, though somewhat better than when I had last the honour to address you. My respects to Lady Impey And believe me, with great regard, my dear Sir Elijah, your faithful, obliged, and most affectionate humble servant,

"NATHANIEL MIDDLETON."

My lords, we produce this letter to your lordships, because it is a letter which begins with "*Dear Sir Elijah,*" and alludes to some family matters, and is therefore more likely to discover the real truth, the true genius of a proceeding, than all the formal and official stuff that ever was produced. You see the tenderness and affection in which they proceed. You see it is his *dear Sir Elijah*. You see that he does not tell the dear Sir Elijah, the chief justice of India, the pillar of the law, the great conservator of personal liberty and private property,—he does not tell him that he has been able to convict these eunuchs of any crime; he does not tell him he has the pleasure of informing him what matter he has got, upon which a decision at law may be grounded; he does not tell him that he has got the least proof of the want of title in those ladies: not a word of the kind. You cannot help observing the soft language used in this tender billet-doux between Mr. Middleton and Sir Elijah Impey. You would imagine that they were making love, and that you heard the voice of the turtle in the land. You hear the soft cooing, the gentle addresses. Oh, my hopes to-day, my fears to-morrow, all the language of friendship almost heightened into love; and it comes at last to "*I have got at the secret hoards of these ladies.*" Let us rejoice, my dear Sir Elijah; this is a day of rejoicing; a day of triumph; and this triumph we have obtained by seizing upon the old lady's eunuchs, in

doing which, however, we found a great deal of difficulty. You would imagine from this last expression, that it was not two eunuchs, with a few miserable women clinging about them, that they had to seize, but that they had to break through all the guards which we see lovers sometimes breaking through when they want to get at their ladies. Hardly ever did the beauty of a young lady excite such rapture; I defy all the charms this country can furnish to produce a more wonderful effect than was produced by the hoards of these two old women in the bosoms of Sir Elijah Impey and Mr. Middleton. "We have got," he exultingly says, "we have got to the secret hoards of this old lady;" and I verily believe there never was a passion less dissembled; there nature spoke; there was truth triumphant, honest truth. Others may feign a passion; but nobody can doubt the raptures of Mr. Hastings, Sir Elijah Impey, and Mr. Middleton.

My lords, one would have expected to have found here something of their crimes; something of their rebellion, for he talks of a few "necessary severities." But no; you find the real criminal, the real object, was the secret hoards of the old ladies. It is true *a few severities* were necessary to obtain that object; however, they did obtain it. How then did they proceed?—First, they themselves took and received in weight and tale all the money that was in the place; I say *all*, for whether there was any more they never have discovered with all their search from that day to this. Therefore we fairly presume that they had discovered all that there was to discover with regard to money. They next took from these unfortunate people an engagement for the amount of treasure, at a definite sum, without knowing whether they had it or not; whether they could procure it or not. The Bow Begum has told us, as your lordships have it in evidence, that they demanded from her a million of money; that she of course denied having any such sums; but Mr. Middleton forced her unfortunate eunuchs or treasurers, by some *few severities*, to give their bond for £600,000.

You would imagine that when these eunuchs had given up all that was in their power, when they had given a bond for what they had not (for they were only the treasurers of other people), that the bond would not have been rigidly exacted. But what do Mr. Hastings and Mr. Middleton as

soon as they get their plunder? They went to their own assay-table by which they measured the rate of exchange between the coins in currency at Oude and those at Calcutta, and add the difference to the sum for which the bond was given. Thus they seize the secret hoards; they examine it as if they were receiving a debt; and they determine what this money would and ought to produce at Calcutta: not considering it as coming from people who gave all they had to give, but as what it would produce at the mint at Calcutta, according to a custom made for the profit of the residents; even though Mr. Hastings upon another occasion charged upon Mr. Bristow as a crime that he had made that profit. This money, my lords, was taken to that assay-table which they had invented for their own profit, and they made their victims pay a rupee and a half batta, or exchange of money, upon each gold mohur; by which and other charges they brought them £60,000 more in debt; and forced them to give a bond for that £60,000.

Your lordships have seen in what manner these debts were contracted; and that they were contracted by persons engaging not for themselves, for they had nothing; all their property was apparently their mistresses'. You will now see in what manner the payment of them was exacted, and we shall beg leave to read to you their own accounts of their own proceedings. Your lordships will then judge whether they were proceeding against rebels as rebels, or against wealthy people as wealthy people, punishing them under pretence of crimes for their own profit.

In a letter from Mr. Middleton to Mr. Hastings, after two other paragraphs, he goes on thus:—"It remained only to get possession of her wealth; and to effect this, it was then and is still my firm and unalterable opinion that it was indispensably necessary to employ temporizing expedients, and to work upon the hopes and fears of the Begum herself, and more especially upon those of her principal agents, through whose means alone there appeared any probable chance of our getting access to the hidden treasures of the late Vizier; and when I acquaint you that by far the greatest part of the treasure which has been delivered to the Nabob was taken from the most secret recesses in the houses of the two eunuchs, whence, of course, it could not have been extracted

without the adoption of those means which could induce the discovery, I shall hope for your approbation of what I did; I must also observe that no further rigour than that which I exerted could have been used against females in this country, to whom there can be no access; the Nabob and Solar Jung were the only two that could enter the zenana; the first was a son, who was to address a parent, and of course could use no language or action but that of earnest and reiterated solicitation; and the other was in all appearance a traitor to our cause. Where force could be employed it was not spared; the troops of the Begum were driven away and dispersed; their guns taken; her fort and the outward walls of her house seized and occupied by our troops at the Nabob's requisition, and her chief agents imprisoned and put in irons. No further step was left. And in this situation they still remain, and are to continue (excepting only a remission of the irons) until the final liquidation of the payment; and if then you deem it proper, no possible means of offence being left in her hands, or those of her agents, all her lands and property having been taken, I mean, with your sanction, to restore her house and servants to her, and hope to be favoured with your early reply, as I expect that a few days will complete the final surrender of all that is further expected from the Begum."

There are some things in this letter which I shall beg your lordships to remark;—there is mention made of a few preliminary severities used by Mr. Middleton in order to get at their money; well, he did get at the money, and he got a bond for the payment of an additional sum, which they thought proper to fix at about £600,000, to which was added another usurious bond for £60,000; and in order to extort these forced bonds, and to make up their aggravated crimes of usury, violence, and oppression, they put these eunuchs into prison without food and water, and loaded their limbs with fetters:—this was their second imprisonment; and what followed these few severities, your lordships will remark—still more severities. They continued to persecute, to oppress, to work upon these men by torture and by the fear of torture; till at last having found that all their proceedings were totally ineffectual, they desire the women to surrender

their house; though it is in evidence before you, that to remove a woman from her own house to another house without her consent, is an outrage of the greatest atrocity, on account of which many women have not only threatened, but have actually put themselves to death. Mr. Hastings himself, in the case of Munny Begum, had considered such a proposition as the last degree of outrage that could be offered. These women offered to go from house to house while their residence was searched; but, no, say their tormentors, the treasure may be bricked up in so large a house in such a manner that we cannot find it.

But to proceed with the treatment of these unfortunate men. I will read to your lordships a letter of Mr. Middleton to Captain Leonard Jaques, commanding at Fyzabad; 18th March, 1782.

"SIR,—I have received your letter of the 13th instant; the two prisoners, Behar and Jewar Ali Khân, having violated their written solemn engagement with me, for the payment of the balance due to the honourable Company, on the Nabob's assignments, accepted by them, and declining giving me any satisfactory assurances on that head, I am under the disagreeable necessity of recurring to severities to enforce the said payment. This is therefore to desire that you immediately cause them to be put in irons, and kept so until I shall arrive at Fyzabad, to take further measures, as may be necessary."

Here is the answer of Captain Jaques to Mr. Middleton.

"April 23rd, 1782.

"SIR,—Allow me the honour of informing you that the place the prisoners, Behar Ali Khân and Jewar Ali Khân, are confined in, is become so very unhealthy, by the number obliged to be on duty in so confined a place at this hot season of the year, and so situated that no reduction can, with propriety, be made from their guard, it being at such a distance from the battalion."

You see, my lords, what a condition these unfortunate persons were in at that period; you see they were put in irons,

in a place highly unhealthy, and from this you will judge of the treatment which followed the *few sevenths*. The first yielded a bond for £600,000; the second, a bond for £60,000; the third was intended to extort the payment of these bonds, and completed their series.

I will now read a letter from Captain Jaques to Mr Middleton, from the printed minutes, dated Palace, Fyzabad, May 18th, 1782, consequently written nearly a month after the former.

"SIR,—The prisoners, Behar and Jewar Ali Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined, to assist the medicine in its operation. Now, as I am sure they would be equally as secure without their irons as with them, I think it my duty to inform you of this request, and desire to know your pleasure concerning it.
(Signed) "LEONARD JAQUES."

On the 22nd May, 1782, Captain Jaques's humane proposal is thus replied to by Mr Middleton:—"I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation, while they persist in a breach of their contract with me; and indeed no indulgence could be shown them without the authority of the Nabob, who, instead of consenting to moderate the rigours of their situation, would be most willing to multiply them.
(Signed) "NATHANIEL MIDDLETON."

I will now call your lordships' attention to other letters connected with this transaction.

Letter from Major Gilpin to Mr. Middleton, June 5th, 1782

"SIR,—Agreeably to your instructions, I went to the prisoners, Behar and Jewar Ali Khân, accompanied by Hoolas

Roi, who read the papers respecting the balance now due, &c. &c.

"In general terms they expressed concern at not being able to discharge the same without the assistance of the Begum, and requested indulgence to send a message to her on that subject, and in the evening they would give an answer.

"I went at the time appointed for the answer, but did not receive a satisfactory one; in consequence of which I desired them to be ready at the shortest notice to proceed to Lucknow; and explained to them every particular contained in your letter of the 1st instant, respecting them.

"Yesterday morning I sent for Lataffit Ali Khân, and desired him to go to the Bow Begum, and deliver the substance of my instructions to her, which he did, and returned with the enclosed letter from her. From some circumstances which I have heard to-day, I am hopeful the prisoners will soon think seriously of their removal, and pay the balance rather than submit themselves to an inconvenient journey to Lucknow."

To Major Gilpin, commanding at Fyzabad, from Mr. Middleton:—"Sir, I have been favoured with your letter of the fifth instant, informing me of the steps you had taken in consequence of my instructions of the first, and covering a letter from the Bow Begum, which is so unsatisfactory that I cannot think of returning an answer to it. Indeed, as all correspondence between the Begum and me has long been stopped, I request you will be pleased to inform her that I by no means wish to resume it, or maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due.

"I have now, in conformity to my former instructions, to desire that the two prisoners, Behar and Jewar Ali Khân, may be immediately sent under a sufficient guard to Lucknow, unless, upon your imparting to them this intimation, either they or the Begum should actually pay the balance, or give you such assurances or security for the assets to be immediately forthcoming, as you think can be relied upon; in which case you will of course suspend the execution of this order."

Mr. Richard Johnson to Major Gilpin; Lucknow, 24th June, 1782:—"Sir, I have received the honour of your letter of the 20th. The prisoners arrived here this morning; Lieutenant Crow has delivered them over to Captain Waugh, and returns to you in a day or two.

"I think their hint to you a very good one, and worth improving upon; was the Bow Begum to think that she must go to Allahabad, or any other place, while her palace is searched for the hidden treasure of the late Vizier, it might go further than any other step that can be immediately taken towards procuring payment of the balance outstanding.

"The prisoners are to be threatened with severities to-morrow, to make them discover where the balance may be procurable, the fear of which may possibly have a good effect; and the apprehensions of the Begum, lest they should discover the hidden treasure, may induce her to make you tenders of payment, which you may give any reasonable encouragement to promote that may occur to you.

"The jaghire cannot be released to her on any other terms, nor even to the Nabob, until the five lacks for which it was granted be paid up; and the prisoners must also be detained until the full fifty lacks be liquidated; consequently nothing but the fear of an increase of demand, upon breach of the first engagement on her part, will induce her to prompt payment."

Letter from Mr. Richard Johnson to the commanding officer of the guard; Lucknow, 23rd July, 1782:—"Sir, some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security. You will therefore be pleased to be very strict in guarding them; and I herewith send another pair of fetters, to be added to those now upon the prisoners."

Letter from Robert Steere Allen to Richard Johnson, Esq., acting resident; Lucknow, 23rd July, 1782:—"Sir, I have received your instructions, and ordered the fetters to be added; but they are by much too small for their feet: The utmost regard shall be paid to the security of the prisoners. I have sent back the fetters that you may have them altered, if you think proper."

Letter from Mr. Johnson to the officer commanding the guard; Lucknow, 28th June, 1782:—"Sir, The Nabob having determined to inflict corporal punishment upon the prisoners under your guard, this is to desire that his officers, when they shall come, may have free access to the prisoners, and be permitted to do with them as they shall see proper, only taking care that they leave them always under your charge."

I will now trouble your lordships with the following passages from Mr. Holt's evidence:—"*Q.* Did you ever see the two ministers of the Begum?—*A.* I saw them brought into Lucknow.—*Q.* In what situation were they when you saw them brought into Lucknow?—*A.* They were brought in their palanquins, attended by a guard of sepoys.—*Q.* Under whose command were the sepoys?—*A.* That they were brought in by?—*Q.* Yes.—*A.* I do not recollect.—*Q.* Were those sepoys that brought in the prisoners part of the Nabob's army, or were they any British troops?—*A.* To the best of my recollection, they were detached from a regiment then stationed at Fyzabad.—*Q.* In whose service was that regiment?—*A.* In the Company's.—*Q.* Were they imprisoned in any house near that in which you resided?—*A.* They were imprisoned immediately under the window of the house in which I resided, close to it.—*Q.* Did you, or did you not, ever see any preparations made for any corporal punishment?—*A.* I saw something of a scaffolding.—*Q.* For what purpose?—*A.* I heard it was for the purpose of tying them up.—*Q.* Whose prisoners did you consider these men to be?—*A.* I considered them as prisoners of the resident; they were close to his house, and under an European officer."

Your lordships have now seen the whole process, except one dreadful part of it, which was the threatening to send the Begum to the castle at Chunar. After all these cruelties, after all these menaces of further cruelties, after erecting a scaffold for actually exercising the last degree of criminal punishment, namely, by whipping these miserable persons in public; after everything has been done but execution, our inability to prove by evidence this part of their proceedings has secured to your lordships a circumstance of decorum observed on the stage, where murders, executions, whippings,

and cruelties are performed behind the scenes. I know as certainly as a man can know such a thing, from a document which I cannot produce in evidence here; but I have it in the handwriting of the resident, Mr. Bristow, that Behar Ali Khân was actually scourged in the manner that we speak of. I had it in writing in the man's hand; I put the question to him, but he refused to answer it, because he thought it might criminate himself, and criminate us all; but if your lordships saw the scaffold erected for the purpose, and of this we have evidence, would you not necessarily believe that the scourging did follow? All this was done in the name of the Nabob; but if the Nabob is the person claiming his father's effects, if the Nabob is the person vindicating a rebellion against himself upon his nearest relations, why did he not in person take a single step in this matter? Why do we see nothing but his abused name in it? We see no order under his own hand. We see all the orders given by the cool Mr. Middleton, by the outrageous Mr. Johnson, by all that gang of persons that the prisoner used to disgrace the British name. Who are the officers that stormed their fort? who put on the irons? who sent them? who supplied them? They are all, all English officers. There is not an appearance even of a minister of the Nabob's, in the whole transaction. The actors are all Englishmen; and we, as Englishmen, call for punishment upon those who have thus degraded and dishonoured the English name.

We do not use torture or cruelties, even for the greatest crimes, but have banished them from our courts of justice; we never suffer them in any case. Yet those men, in order to force others to break their most sacred trust, inflict tortures upon them. They drag their poor victims from dungeon to dungeon, from one place of punishment to another; and wholly on account of an extorted bond; for they owed no money, they could not owe any; but to get this miserable balance of £60,000 founded upon their tables of exchange: after they had plundered these ladies of £500,000 in money and £70,000 a year in land, they could not be satisfied without putting usury and extortion upon tyranny and oppression. To enforce this unjust demand, the miserable victims were imprisoned, ironed, scourged, and at last threatened to be sent prisoners to Chunar. This menace succeeded. The persons

who had resisted irons, who had been, as the Begums say, refused food and water, stowed in an unwholesome, stinking, pestilential prison, these persons withstood everything till the fort of Chunar was mentioned to them; and then their fortitude gave way; and why? The fort of Chunar was not in the dominions of the Nabob, whose rights they pretended to be vindicating; to name a British fort, in their circumstances, was to name everything that is most horrible in tyranny; so at least it appeared to them. They gave way; and thus were committed acts of oppression and cruelty unknown, I will venture to say, in the history of India. The women indeed could not be brought forward and scourged, but their ministers were tortured, till, for their redemption, these princesses gave up all their clothes, all the ornaments of their persons, all their jewels, all the memorials of their husbands and fathers, all were delivered up, and valued by merchants at £50,000; and they also gave up £5000 in money, or thereabouts; so that in reality only about £5000, a mere nothing, a sum not worth mentioning, even in the calculations of extortion and usury, remained unpaid.

But, my lords, what became of all this money? When you examine these witnesses here, they tell you it was paid to Hyder Beg Khân. Now, they had themselves received the money in tale at their own assay-table; and when an account is demanded of the produce of the goods, they shrink from it, and say it was Hyder Beg Khân who received the things, and sold them. Where is Hyder Beg Khân's receipt? The Begums say (and the thing speaks for itself), that even gold and jewels coming from them lost their value; that part of the goods were spoilt, being kept long unsold in damp and bad warehouses; and that the rest of the goods were sold, as thieves sell their spoil, for little or nothing. In all this business, Mr. Hastings and Mr. Middleton were themselves the actors, chief actors; but now, when they are called to account, they substitute Hyder Beg Khân in their place, a man that is dead and gone; and you hear nothing more of this part of the business.

But the sufferings of these eunuchs did not end here; they were, on account of this odd £5000, confined for twelve months, not prisoners at large, like this prisoner who thrusts his sore leg into your lordships' faces every day, but in harsh

and cruel confinement. These are the persons that I feel for. It is their dungeon, it is their unrevenged wrongs that move me. It is for these innocent, miserable, unhappy men, who were guilty of no offence but fidelity to their mistresses, in order to vex and torture whom (the first women in Asia) in the persons of their ministers, these cruelties were exercised; these are they for whom I feel, and not for the miserable sore leg or whining cant of this prisoner. He has been the author of all these wrongs; and if you transfer to him any of the sympathy you owe to these sufferers, you do wrong—you violate compassion. Think of their irons. Has not this criminal, who put on these irons, been without one iron? Has he been threatened with torture? Has he been locked up without food and water? Have his sufferings been aggravated as the sufferings of these poor men were aggravated? What punishment has been inflicted, and what can be inflicted, upon him in any manner commensurate with the atrocity of his crimes?

At last, my lords, these unhappy men were released Mr Bristow, who had been sent to Lucknow, writes to Mr. Hastings, and informs him that severities could do no more; that imprisonments and menaces could get no more money. I believe not; for I doubt much whether any more was to be got. But whether there was or not, all the arts of extortion, fortified by all the arts of tyranny, of every name and species, had failed, and therefore Mr. Bristow released the prisoners; but without any warrant for so doing from Mr Hastings, who, after having received this letter from Mr. Bristow, gets the supreme council to order these very severities to be continued, till the last farthing was paid. In order to induce the council to sanction this measure, he suppressed Mr. Bristow's declaration—that severities could do nothing more in exacting further payments; and the resident, I find, was afterwards obliquely punished for his humanity by Mr. Hastings.

* * *

Mr. Bristow's letter is dated the 12th of December, and he thus writes:—

"The battalion at Fyzabad [where the Begums and their ministers had been confined] is recalled, and my letter to the board of the first instant has explained my conduct to the

Begum. The letter I addressed her, a translation of which I beg leave to enclose (No. 2), was with a view of convincing her that you readily assented to her being freed from the restraints which had been imposed upon her; and that your acquiescence in her sufferings was a measure of necessity, to which you were forced by her extraordinary conduct. I wished to make it appear, this was a matter on which you directed me to consult the Vizier's pleasure, that it might be known you were the spring from whence she was restored to her dignity and consequence."

On the 3rd of March following, the council agree to send the following order to Mr. Bristow:—"We desire you will inform us if any and what means have been taken for recovering the balance due from the Begum at Fyzabad, and, if necessary, that you recommend it to the Vizier to enforce the most effectual means for that purpose."

My lords, you see the fraud he has put upon the council. You will find that Mr. Bristow's letters up to the 3rd of March had been suppressed; and though then communicated, yet he instigated his cat's-paw, that blind and ignorant council, to demand from the Vizier the renewal of these very severities and cruelties, the continuance of which the letters in his pocket had shown him were of no effect. Here you have an instance of his implacable cruelty; you see that it never relaxes, never remits; and that, finding all the resources of tyranny useless and ineffective, he is still willing to use them; and for that purpose he makes a fraudulent concealment of the utter inefficacy of all the means that had been used.

But, you will ask, what could make him persevere in these acts of cruelty, after his avarice had been more than satiated? You will find it is this. He had had some quarrel with these women. He believed that they had done him some personal injury or other, of which he nowhere informs you. But, as you find that in the case of Cheit Sing, he considered his visit to General Clavering as a horrid outrage against himself, which he never forgave, and revenged to the ruin of that miserable person; so you find that he has avowed the same malicious disposition toward the Begums, arising from some

similar cause. In page 367 of your printed minutes, he says, "I am sorry that I must in truth add, that a part of the resentment of the Begums was, as I had too much reason to suspect, directed to myself personally. The incidents which gave rise to it are too light to be mixed with the professed subject and occasion of this detail; and as they want the authenticity of recorded evidence, I could lay no claim to credit in my relation of them At some period I may be induced to offer them to the world, my ultimate and unerring judges, both of that and of every other trait in my political character"

My lords, you have an anecdote here handed to you, which is the key of a great part of this transaction. He had determined upon some deep and desperate revenge for some injury or affront of some kind or other that he thought he had received from these people He accuses them of a personal quarrel with himself, and yet he has not the honour or honesty to tell you what it was,—what it was that could induce them to entertain such a personal resentment against him, as to ruin themselves and their country by their supposed rebellion He says, that some time or other he will tell it to the world. Why did he not tell his counsel, and authorize them to tell a story which could not be unimportant, as it was connected with a rebellion which shook the British power in India to its foundation? And if it be true that this rebellion had its rise in some wicked act of this man, who had offended these women, and made them, as he says, his mortal enemies, you will then see that you never can go so deep with this prisoner, that you do not find in every criminal act of his some other criminal act. In the lowest deep there is still a lower deep. In every act of his cruelty there is some hidden, dark motive, worse than the act itself, of which he just gives you a hint, without exposing it to that open light which truth courts, and falsehood basely slunk from.

But cruelly as they have suffered, dreadfully as they have been robbed, insulted as they have been, in every mode of insult that could be offered to women of their rank; all this must have been highly aggravated by coming from such a man as Mr. Middleton. You have heard the audacious and insulting language he has held to them; his declining to cor-

respond with them, and the mode of his doing it. There are, my lords, things that embitter the bitterness of oppression itself;—contumelious acts and language coming from persons who the other day would have licked the dust under the feet of the lowest servants of these ladies, must have embittered their wrongs, and poisoned the very cup of malice itself.

Oh! but they deserved it.—They were concerned in a wicked, outrageous rebellion: first, for expelling their own son from his dominions; and secondly, for expelling and extirpating the English nation out of India. Good God Almighty! my lords, do you hear this? Do you understand that the English nation had made themselves so odious, so particularly hateful, even to women the most secluded from the world, that there was no crime, no mischief, no family destruction, through which they would not wade, for our extermination! Is this a pleasant thing to hear of? Rebellion is, in all parts of the world, undoubtedly considered as a great misfortune—in some countries it must be considered as a presumption of some fault in government. *Nowhere is it boasted of as supplying the means of justifying acts of cruelty and insult, but with us.*

We have, indeed, seen that a rebellion did exist in Barratch and Gorruckpore. It was an universal insurrection of the people; an insurrection for the very extermination of Englishmen; for the extermination of Colonel Hannay, for the extermination of Captain Gordon, for the extermination of Captain Williams, and of all the other captains and colonels exercising the office of farmer-general and sub-farmer-general, in the manner that we have described. We know that there did exist in that country such a rebellion. But mark, my lords, against whom;—against these mild and gracious sovereigns, Colonel Hannay, Captain Gordon, Captain Williams.—Oh unnatural and abominable rebellion! But will any one pretend to say that the Nabob himself was ever attacked by any of these rebels? No; the attacks were levelled against the English. The people rose in favour of their lawful sovereign, against a rebellion headed by Mr. Middleton, who, you see, usurped his authority;—headed by Colonel Hannay;—headed by Captain Gordon;—headed by all those abominable persons exercising, under the Nabob's name, an authority destructive to himself and his subjects.

Against them there was a rebellion; but was this an unnatural rebellion?—A rebellion against usurped authority, to save the prince, his children, and state from a set of vile usurpers.

My lords, I shall soon close our proceeding for this day; because I wish to leave this part of our charge strongly and distinctly impressed upon your lordships' memory, and because nothing can aggravate it. I shall next proceed, in the further examination of the prisoner's defence, to dissipate, as I trust we have done, and as I hope we shall do, all the miserable stuff they have given by way of defence. I shall often have occasion to repeat and press upon your lordships, that that miserable defence is a heavy aggravation of his crime. At present I shall conclude; leaving this part of our charge with the impression upon your lordships' minds, that this pretended rebellion was merely an insurrection against the English, excited by their oppression. If the rebellion was against the Nabob, or if he was the author of the oppression which caused it, why do the English only appear to be concerned in both of them? How comes it that the Nabob never appears to have expressed any resentment against the rebels? We shall prove, beyond a doubt, that the Begums had nothing to do with it. There was, indeed, as I have already said, what may be called a rebellion; but it was a rebellion against—not the Nabob, but in favour of the lawful prince of the country;—against the usurpers of his authority and the destroyers of his country. With this, as a rebellion, Mr. Hastings has charged these women; he has charged them with a war against their son, for the purpose of exterminating the English. Look, I pray you, at the whole business; consider all the circumstances of it, and ask yourselves whether this is not a charge not only so grossly improbable, but so perfectly impossible, that there is not any evidence which can make it even plausible.

Consider next, my lords, on the other side, the evidence of their innocence, and then ask yourselves whether any additional matter could make its probability in the least degree more probable. My lords, the evidence we have produced is neither more nor less than that of almost all the persons who have had a share in exciting that rebellion, and who, to justify their own horrible cruelty, have attempted to charge

the natural consequences of that cruelty upon these unhappy women.

But where, all this time, is the Nabob, against whom this rebellion is pretended to be directed? Was it ever even insinuated to him that his mother had raised a rebellion against him?—When were the proofs shown to him?—Did he ever charge her with it? He surely must have been most anxious to prevent and suppress a rebellion against himself; but not one word on that subject has ever come out of his mouth, nor has any one person been produced to show that he was informed of the existence of such a rebellion. The persons said to be rebels are his mother and grandmother; and I again ask, was there the least intimation given to him by Mr. Middleton, or by any other person, of their being even suspected of rebellion against him? There was, indeed, a hint of some rebellion, which the creatures of Mr. Hastings got at obliquely; but neither the person against whom the rebellion is supposed to exist, nor the persons who were said to be guilty of it, were ever either informed of or charged with it. I defy the prisoner and his whole gang to produce one word ever uttered by any one of them, from which the Nabob or Begums could learn that they were supposed to be concerned in the rebellion: so that none of those who were said to be the principal actors in the scene ever heard of the parts they were acting, from the actual authors and managers of the business. Not one word was uttered of a charge made, much less of proof given. Nothing was heard but—Give me the money—irons—new irons—new imprisonment; and at last the castle of Chunar. And here I beg leave to pause, and to leave upon your minds the impression, first, of the wrong that was done, the violence, and the robbery; and secondly, of the pretences, both civil and criminal, by which they have attempted to justify their proceedings.

[Adjourned.

TRIAL.

WEDNESDAY, 11TH JUNE, 1794.

SIXTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—Your lordships will recollect that we closed the last day of your proceeding in this trial at a most interesting part of our charge, or rather of our observations upon that charge. We closed at that awful moment when we found the first women of Oude pillaged of all their landed and of all their monied property, in short of all they possessed. We closed by reciting to you the false pretence on which this pillage was defended, namely, that it was the work of the Nabob. Now we had before proved to you, from evidence adduced by the prisoner himself, that this Nabob was a mere tool in his hands; and therefore if this pretence be true, it aggravates his guilt; for surely the forcing a son to violate the property of his mother must everywhere be considered a crime most portentous and enormous. At this point we closed; and, after the detail which has been given you already of these horrible and iniquitous proceedings, some apology may perhaps be necessary for entering again into the refutation of this iniquitous pretence.

My honourable fellow-manager, who preceded me in this business, did, in his remarks upon the inference drawn by the prisoner's counsel from the seizure of the Begum's treasures by the Nabob, as evidence of their guilt, as he ought to do,—he treated it with proper contempt. I consider it indeed to be as little an evidence of their guilt as he does, and as little a defence of that seizure as he does. But I consider it in another and in a new light, namely, as a heavy aggravation of the prisoner's crimes, and as a matter that will let you into the whole spirit of his government; and I warn your lordships against being imposed on by evasions, of which if it were possible for you to be the dupes, you would be un-

fit to be judges of the smallest matters in the world, civil or criminal.

The first observation which I shall beg leave to make to your lordships is this, that the whole of the proceedings from beginning to end has been a mystery of iniquity, and that in no part of them have the orders of the Company been regarded; but on the contrary, the whole has been carried on in a secret and clandestine manner.

It is necessary that your lordships should be acquainted with the manner in which the correspondence of the Company's servants ought to be carried on and their proceedings regulated; your lordships, therefore, will please to hear read the orders given concerning correspondence of every kind with the country powers. You will remember the period when these orders were issued, namely, the period at which the act passed for the better direction of the servants of the Company. By this act Mr. Hastings was appointed to be Governor-General, and the court of directors was required, by that act, to prepare orders and instructions, which Mr. Hastings was required, by the same act, to comply with. You will see what these instructions and orders were, and in what manner he has complied with them.

Extract of general instructions to the Governor-General and council, 29th of March, 1774:—"We direct that you assemble in council twice every week, and that all the members be duly summoned; that the correspondence with the princes or country powers in India be carried on by the Governor-General only, but that all letters sent by him be first approved in council, and that he lay before the council, at their next meeting, all letters received by him in the course of such correspondence, for their information. We likewise direct, that a copy of such parts of the country correspondence be communicated to our board of trade (to be constituted as hereinafter mentioned), as may any ways relate to the business of their department."

You will observe, my lords, two important circumstances in these instructions. First, that after the board had regularly met, the Persian correspondence, kept by the Governor only, was to be communicated to the council; and secondly, that he should write no answer to any part of the business until he had previously consulted the council upon it. Here

is the law of the land; an order given in pursuance of an act of parliament. Your lordships will consider how Mr. Hastings comported himself with regard to those orders: for we charge it as a substantive crime, independent of the criminal presumptions arising from it, that he violated an act of parliament, which imposed direct instructions upon him, as to the manner in which he was to conduct all matters of business with the native powers.

My lords, we contend strongly, that all the positive rules and injunctions of the law, though they are merely positive, and do not contain anything but mere matters of regulation, shall be strictly observed. The reason is this, and a serious reason it is:—official tyranny and oppression, corruption, peculation, and bribery are crimes so secret in their nature, that we can hardly ever get to the proof of them, without the assistance of rules, orders, and regulations of a positive nature, intended to prevent the perpetration of these crimes, and to detect the offender in case the crimes should be actually perpetrated. You ought therefore to presume, that, whenever such rules or laws are broken, these crimes are intended to be committed; for you have no means of security against the commission of secret crimes, but by enforcing positive laws, the breach of which must be always plain, open, and direct. Such, for instance, is the spirit of the laws, that although you cannot directly prove bribery or smuggling in a hundred cases where they have been committed, you can prove whether the proper documents, proper cockets, proper entries in regular offices have been observed and performed or not. By these means you lock the door against bribery; you lock the door against corruption, against smuggling and contraband trade; but how? by falling upon and attacking the offence? No; by falling upon and attacking the breach of the regulation. You prove that the man broke the regulation; and, as he could have no other motive or interest in breaking it, you presume that he broke it fraudulently, and you punish the man not for the crime the regulation was meant to prevent, but you punish him for the breach of the regulation itself.

Next to the breach of these positive instructions, your lordships will attend to the consequent concealment and mystery by which it was accompanied. All government

must, to preserve its authority, be sincere in its declarations, and authentic in its acts. Whenever in any matter of policy there is a mystery, you must presume a fraud; whenever in any matter of money there is concealment, you must presume misconduct; you must therefore affix your punishment to the breach of the rule; otherwise the conviction of public delinquents would be unattainable.

I have therefore put before you that rule which he has violated, and we, the Commons, call upon your lordships to enforce that rule, and to avenge the breach of it. You have seen the consequences of breaking the rule; and we have charged and do charge it as a heavy aggravation of those consequences, that, instead of consulting the council, instead of laying the whole correspondence before them, instead of consulting them upon his answers, he went himself up into the country, took his Majesty's chief justice along with him, and made that person the instrument of those wrongs, violences, robberies, and concealments, which we call upon your lordships to punish.

My lords, an extraordinary circumstance occurred in the course of our proceedings, in another place, which I must state to show you in what a horrible manner your laws have been trampled upon and despised. None of the proceedings which have been last stated to your lordships, respecting the seizure of the treasures of the Begums, appear upon any public record whatever. From the manner in which they came to our knowledge, your lordships will perceive what must have been the prisoner's own opinion of the horrible nature of proceedings, which he thought so necessary to be concealed.

Whilst we were inquiring into the violences committed against the Begums, in breach of the treaty entered into with them, there came into my hands an anonymous letter, containing a full account of all the matter which has lately been stated to you. It came anonymously; and I did not know from what quarter it came. I do not even know with certainty at this hour. I say, not with certainty, for I can only form a conjecture. This anonymous communication enabled us to produce all the correspondence with Mr. Middleton respecting the cruelties exercised towards the Begums and their eunuchs, in order to extort money. We found the

names of Major Gilpin and several other persons in these letters. We also found in them a strong fox smell of a Sir Elijah Impey, that his brush and crime had left behind him; we traced him by that scent; and as we proceeded we discovered the footsteps of as many of the wolves as Mr. Hastings thought proper to leave there. We sent for and examined Mr. Middleton, and Major Gilpin produced his correspondence. When we applied to Mr. Middleton, we found that all this part of his correspondence had been torn out of his book. But having come at it by means of our anonymous communication, we subsequently proved and established it, in the manner we have done, before your lordships. Here then you have important matter which this anonymous letter has brought to light; and otherwise the whole of this correspondence so essential to the interests and justice of Great Britain would have been concealed by this wicked man. Thus, I say, his violation of a positive law would have remained undiscovered, if mere accident had not enabled us to trace this iniquity of its source. Therefore I begin our proceedings this day, by stating to your lordships this fact, and by calling upon your justice to punish him for this violation of the laws of his country.

We have told you who the instruments were by which all this wickedness was committed, Mr. Middleton and Mr. Johnson, persons who were sent as ambassadors to represent the interests of the Company at the court of an independent prince. Over this prince they usurped an absolute power, they even made use of British officers in his own service, and receiving his pay, to enslave his person, and to force him to rob his kindred. These agents were aided by an English chief justice, sent under the authority of an act of parliament to represent the sovereign majesty of English justice, and to be a restraint upon the misconduct of the Company's servants. These are the instruments with which this man works. We have shown you his system; we have shown you his instruments; we will now proceed with the examination of the pretences upon which this horrid and nefarious act is attempted to be justified. We have not entered into this examination for the sake of refuting things that want no refutation, but for the purpose of showing you the spirit of the whole proceeding, and making it appear to your lord-

ships, as I trust it will appear, that the wicked act done there is not half so bad as the wicked defence made here.

The first part of Sir Elijah Impey's commission, as your lordships will remember, was to seize upon the Begums' treasures. He had likewise another budget of instructions, which has been discovered in the trunks of which your lordships have heard,—secret instructions to be given by him to Mr. Middleton, for the furtherance of this business. And that his office of chief justice should not lie dormant, he was commissioned to seek for affidavits, or written testimony from any persons, for the purpose of convicting these women of a design of atrociously revolting against their son, and deposing him from the government, with a view of getting rid of the English inhabitants. This was the accusation;—and the evidence to support it Sir Elijah Impey was sent to collect.

My lords, I must here observe to your lordships, that there is no act of violence which, merely as an act of violence, may not in some sort be borne; because an act of violence infers no principle; it infers nothing but a momentary impulse of a bad mind, proceeding, without law or justice, to the execution of its object. For at the same time that it pays no regard to law, it does not debauch it; it does not wrest it to its purposes. The law disregarded still exists; and hope still exists in the sufferer that, when law shall be resorted to, violence will cease, and wrongs will be redressed; but whenever the law itself is debauched, and enters into a corrupt coalition with violence, robbery, and wrong, then all hope is gone; and then it is not only private persons that suffer, but the law itself when so corrupted is often perverted into the worst instrument of fraud and violence. It then becomes most odious to mankind, and an infinite aggravation of every injury they suffer.

We have therefore in our charge strongly reprobated Sir Elijah Impey's going to take such affidavits.—Oh, but they say, a judge may take an affidavit in his chamber privately, and he may take an affidavit, though not exactly in the place of his jurisdiction, to authenticate a bond, or the like. We are not to be cheated by words. It is not dirty shreds of worn out parchments, the sweepings of Westminster Hall, that shall serve us in place of that justice upon which the

world stands. Affidavits! We know that, in the language of our courts, affidavits do not signify a body of evidence to sustain a criminal charge, but are generally relative to matter in process collateral to the charge, which, not coming before the jury, are made known to the judge by way of affidavit.

But was it ever heard, or will it be borne, that a person exercising a judicial office under his Majesty should walk beyond the sphere of his jurisdiction? That he should desert the station in which he was placed for the protection of the natives, and should march to such a place as Lucknow, in order to take depositions for criminating persons in that country, without so much as letting these poor victims know one article in the depositions so taken? These depositions, my lords, were made to criminate; they were meant to justify a forfeiture; and are not in the nature of those voluntary affidavits which, whether made within jurisdiction or without, whether made publicly or privately, signify comparatively nothing to the cause. I do not mean to say that any process of any court has not its weight, when the matter is within it in the ordinary course of proceedings; it is the extraordinary course, the extrajudicial conduct, which divests it of that just weight it otherwise would have.

This chief justice goes to Lucknow, where he holds his court, such as it was. He is ready to authenticate any process by the signature of the English chief justice, in a court which he holds by night, in a court which he holds in darkness and secrecy. He hold his court in Fyzabad: he holds it unknown to the Nabob of Oude, in his own capital, and without giving him the least knowledge of or any notice of what he was proceeding to do. He holds it at the lodgings of Colonel Morgan, a pensioner of the Nabob, and the person assisting him is Mr. Middleton, who is likewise, as we have proved to you, one of the Nabob's pensioners, a monopolizer of trade in the country, and a person who received much the major part of his emoluments from the Nabob's hands.

In that clandestine manner, in the Nabob's own house, in his own capital city, in the lodging of his dependant and pensioner, Colonel Morgan, with no other witness that we know of than Mr. Middleton, was this iniquitous, dark procedure held, to criminate the mother of the Nabob. We here see a scene of dark, mysterious contrivance; let us now

see what is brought out in the face of open day. The attestations themselves, which you have seen on the record before you. They were brought out; where? there? No; they were brought out in another place; they were brought out at Calcutta; but were never communicated to the Nabob. He never knew anything of the matter. Let us now see what those attestations were: your lordships will bear in mind that I do not advert to this thing which they bring as evidence in the way of imputation of its being weak, improper, and insufficient evidence, but as an incontrovertible proof of crimes, and of a systematic design to ruin the accused party, by force there and by chicane here; these are the principles upon which I am going to talk to you upon this abominable subject, of which, I am sorry to say, I have no words sufficient to express my horror. No words can express it, nor can anything but the severity of your lordships' judgments find an adequate expression of it. It is not to be expressed in words, but in punishment.

Having stated before whom the evidence collected in this body of affidavits was taken, I shall now state who the persons were that gave it; they were those very persons who were guilty of robbing and ruining the whole country: yes, my lords, the very persons who had been accused of this in the mass by Mr. Hastings himself. They were nothing less than the whole body of those English officers, who were usurping the office of farmers-general, and other lucrative offices in the Nabob's government, and whose pillage and peculations had raised a revolt of the whole kingdom against themselves. These persons are here brought in a mass to clear themselves of this charge, by criminating other persons, and clandestinely imputing to them the effect of their own iniquity.

But supposing these witnesses to be good for anything, supposing it fit that the least attention should be paid them; the matter of their testimony may very possibly be true, without criminating the Begum; it criminates Saadit Ali Khân, the brother of the Nabob; the word begum is never mentioned in the crimination but in conjunction with his, and much the greater part of it criminates the Nabob himself. Now, my lords, I will say, that the matter of these affidavits, forgetting who the deponents were, may possibly be true, as

far as respects Saadit Ali Khân; but that it is utterly as improbable, which is the main point and the stress of the thing, with respect to the Begums, as it is impossible with respect to the Nabob. That Saadit Ali, being a military man, a man ambitious and aspiring to greatness, should take advantage of the abuses of the English government and of the discontent of the country, that he should, I say, raise a revolt against his brother, is very possible; but it is scarcely within possibility, that the mother of the Nabob should have joined with the illegitimate son against her legitimate son. I can only say that, in human affairs, there is the possibility of truth in this. It is possible she might wish to depose her legitimate son, her only legitimate son, and to depose him for the sake of a bastard son of her husband's, to exalt him at the expense of the former, and to exalt of course the mother of that bastard at her own expense and to her own wrong. But I say, that this, though possible, is grossly improbable. The reason why the Begum is implicated in this charge with Saadit Ali by the affidavits cannot escape your notice. Their own acquittal might be the only object of the deponents in their crimination of the latter: but the treasures of the former were the objects of their employers, and these treasures could not be come at but by the destruction of the Begums.

But, my lords, there are other affidavits, or whatever your lordships may call them, that go much further. In order to give a colour to the accusation, and make it less improbable, they say that the Nabob himself was at the bottom of it; and that he joined with his brother and his mother to extirpate out of his dominions that horrible grievance, the English brigade officers:—those English officers who were the farmers-general, and who, as we have proved by Mr. Hastings's own evidence, had ruined the country. Nothing is more natural than that a man, sensible of his duty to himself and his subjects, should form a scheme to get rid of a band of robbers that were destroying his country, and degrading and ruining his family. Thus you see a family compact naturally accounted for. The Nabob at the head of it; his mother joining her own son, and a natural brother joining in the general interests of the family. This is a possible case. But is this the case pressed by them? No; they pass slightly over the

legitimate son. They scarcely touch upon Saadit Ali Khân; they sink the only two persons that could give probability or possibility to this business, and endeavour to throw the whole design upon these two unfortunate women.

Your lordships see the wickedness and baseness of the contrivance. They first, in order to keep the whole family in terror, accuse the whole family; then having possessed themselves of the treasures of the Begums upon another pretence, they endeavour to fix upon them that improbable guilt which they had with some degree of probability charged upon the whole family, as a further justification of that spoliation. Your lordships will see what an insult is offered to the peers of Great Britain, in producing before you, by way of defence, such gross, scandalous, and fraudulent proceedings.

Who the first set of witnesses were which they produced before their knight errant, Chief Justice Sir Elijah Impey, who wandered in search of a law adventure, I have laid open to your lordships. You have now had an account of the scandalous manufacture of that batch of affidavits which was in the budget of Sir Elijah Impey—that Pandora's box which I have opened, and out of which has issued every kind of evil. This chief justice went up there with the death warrant of the Begums' treasures, and, for aught he knew, the death warrant of their persons. At the same time that he took these affidavits, he became himself a witness in this business: he appears as a witness. How? Did he know any one circumstance of the rebellion? No; he does not even pretend to do so. But, says he, in my travels I was obliged to avoid Fyzabad, upon account of the suspected rebellion there. Another chief justice would have gone fifty miles about to avoid Lucknow, for everybody knows that Lucknow was the focus and centre of extortion, corruption, and peculation; and that a worse air for the lungs of a chief justice could not be found in the world. If his lungs wanted the benefit of pure air, he would even have put himself in the focus of a rebellion, to have kept at a distance from the smell of carrion and putrid corruption of every kind that was at Lucknow.

A chief justice may go to a place where a rebellion is raging, he may die a martyr to his honour. But a chief jus-

tice who puts himself into the focus of peculation, into the focus of bribery, into the focus of everything that is base and corrupt,—what can we expect from him but that he will be engaged in clandestine jobs there? The former might kill Sir Elijah Impey, the knight errant, but the chief justice would remain pure and entire, whereas Sir Elijah Impey has escaped from Lucknow, and the chief justice is left by Mr. Hastings to shift for himself.

After mentioning this violation of the laws of hospitality by Sir Elijah Impey, I would ask, was any notice given by him, or by any of Mr Hastings's agents, to the Nabob, who was so immediately interested in this matter? Was any notice given to the Begums that any such charge was entertained against them? Not a word. Was it notified to the eunuchs? Was it to Saadit Ali Khân? Not a word; they were all within their power The eunuchs were a year in irons, and they were subjected to the want of food and water for a part of that year. They were dragged from Fyzabad to Lucknow, and from Lucknow to Fyzabad. During all that time, was there a word mentioned to them by any one person on the part of Mr. Hastings; that they were accused of this matter? Not a word.

We now submit to your lordships' vindictive justice and condemnation this recriminatory defence, in which every principle of justice has been violated; and now I will ask your lordships whether you would have suffered such a procedure in the case of the prisoner at your bar? It was asked by a person of great authority in this House, when we were going to produce certain evidence against Mr. Hastings (we do not say whether we offered to produce it properly or improperly, that is another matter), we were asked, I say, whether our intentions of producing that evidence had been communicated to Mr. Hastings? Had he had an opportunity of cross-examining the witnesses who had given that evidence? No, he added, that evidence must be rejected. Now I say to your lordships, upon the same ground, deal with the Begums as you dealt with Mr. Hastings. Do not keep two weights and measures for different persons in the same cause You would not suffer such evidence to be produced against him; you will not assuredly suffer such evidence to be produced to you in his favour and against them.

My lords, the cause between this man and these unfortunate women is at last come into Westminster Hall. The cause is come to a solemn trial; and we demand other witnesses and other kinds of proof than what these affidavits furnish. My lords, the persons who have been examined here are almost all of them the same persons who made these affidavits; but there is this material difference in their evidence. At your lordships' bar they sunk all those parts of their former evidence which criminated the Nabob and Saadit Ali, and confined their testimony wholly to what related to the Begums. We were obliged, by a cross-examination, to squeeze out of them the disavowal of what they had deposed on the former occasion. The whole of their evidence we leave to the judgment of your lordships, with these summary remarks, —first, that they are the persons who were to profit by their own wrong: they are the persons who had seven months' arrears paid to them out of the money of these unfortunate ladies: they are the persons who, to justify the revolt which they had caused in the country by their robbery, charge their own guilt upon others. The credibility of their evidence is therefore gone; but, if it were not affected by these circumstances, Mr. Hastings has put an end to it by telling you that there is not one of them who is to be credited upon his oath; no, not in a court-martial; and can it therefore be expected, that in a case of peculation they will do otherwise than acquit the party accused? He has himself laid before you the horrible state of the whole service; your lordships have it fresh in your memories, and ringing in your ears. You have also heard from witnesses brought by Mr. Hastings himself, that these soldiers committed misdemeanours of the very same kind with those which we have stated. They ought not therefore to be listened to for a moment; and we aver that it is an aggravation of the prisoner's crimes, that he has brought the instruments of his guilt, the persons of whom he has complained as having ruined and destroyed that country, and whom he had engaged, at the Nabob's desire, in the treaty of Chunar, to send out of the country, as being a nuisance in it,—to bring, I say, these people here, to criminate, at a distance of nine thousand miles, these unfortunate women, where they have neither attorney nor agent who can from local knowledge cross-examine them. He has the au-

dacity to bring these people here; and in what manner they comport themselves when they come here your lordships have seen.

There is one of them whom we cannot pass by; that is Captain Gordon. The other witnesses, who appeared here as evidences to criminate the Begums, did it by rumours and hearsays They had heard some person say that the Begums had encouraged rebellion, always coupling them with Saadit Ali Khân, and sometimes with the Nabob, because there might have been some probability for their charge in the transactions with Saadit Ali Khân, which, though impossible with regard to the Begums, they thought would implicate him in his designs But Captain Gordon is to give a different account of the proceedings

Captain Gordon was one of Colonel Hannay's under-farmers—he was hunted out of the country, and, as one of the Begums says, pursued by a thousand of the zemindars, for robbing the whole country. This woman, through respect to the British name, that name which guaranteed her possessions to her, receives this Captain Gordon and Captain Williams with every mark of kindness, hospitality, and protection that could be given them. She conveys them from the borders to the city of Fyzabad, and from Fyzabad, her capital, supposed to be the nest of her rebellion, on to their place of destination. They both write her letters full of expressions of gratitude and kindness for the services that they had received. They then pass on to Lucknow, to Sir Elijah Impey, and there they sink every word of kindness—of any service or protection that they had received;—or of any acknowledgment that they had ever made of it. They sink all this; not one word of it appears in their affidavits.

How then did we come to the knowledge of it? We got it from Major Gilpin, who was examined in the course of these proceedings, and we used it in our charge, from the papers that we hold in our hands. Mr. Hastings has confessed the fact, and Mr. Middleton has endeavoured to slur it over, but could not completely conceal it. We have established the fact, and it is in evidence before your lordships.

You have now, then, in this manner got these testimonials given by English officers in favour of these women; and by the same means the letters of the latter accusing the former

are come to your hands; and now these same English officers come here with their recriminatory accusation. Now, why did they not make it at Lucknow? Why did not Mr. Hastings, when Mr. Middleton had such papers for him in his hands, why, I ask, did not Mr. Hastings procure some explanation of the circumstances whilst he was in India? I will read your lordships the letter, that you may not only know but feel the iniquity of this business.

Letter from the mother of the Vizier to Mr. Hastings, received the 6th of January, 1782.

"Our situation is pretty well, and your good health is constantly prayed for. I had sent Behar Ali Khân to you. Accordingly people invented a falsehood that Behar Ali Khân was gone to get the deputyship of the Soubah; and some persons here were saying, wherefore has she sent Behar Ali Khân to Calcutta, to the Nawab Amaud ul Dowlah? We will never permit the affair to succeed: and accordingly it has so happened. For they say that you also have not put your seal to the treaty: and the people here say, why does the noble lady correspond with the English gentlemen? On this account I did not send a letter at the time when you came this way. Now the state of affairs here is thus:—On the 27th Zehedja, Azoph ul Dowlah Behadur, without my knowledge, sent his own aumils into my jaghire. I accordingly wrote several times to Mr. Middleton on this business; that his seal was to the treaty and writing of discharge. Why did he not negotiate in my favour? Mr. Middleton replied, the Nawab is the master. I wrote frequently, but without effect. Being helpless, I represent to you the state of my affairs, that notwithstanding the existence of this treaty I have been treated in this manner. It is useless for me to stay here. Whatever is, is a compact; whenever any one deviates from his compact, he meets with no credit for the future; and the light of mine eyes, Azoph ul Dowlah, wrote to me that he had sent his own aumils into my jaghires, and would pay ready money from his treasury. Reflect on my security for his adhering to his future engagements, from the consideration of his conduct under his past promises. I do not agree to his ready money. Let me have my jaghire

as formerly; otherwise, leaving this place, I will wait on you at Benares, and thence will go towards Shah Jehan Abad, because he has not adhered to his engagement. Send letters to Azoph ul Dowlah, and to Mr Middleton, and Hussein Reza Khân, and Hyder Beg Khân, not to molest the Begum's jaghire; and to let them remain as formerly with the Begum's aumils. And it is here suspected of me, that my aumil plundered the property of Mr. John Gordon. The case is thus: Mr. John Gordon arrived at Tanda, a jaghire of mine, fighting with the zemindars of Akberpoor, which belongs to the Khalseh. Accordingly, Mr. John Gordon having come to Tanda, my aumil performed whatever appertained to his duty. Afterwards Mr. John Gordon wrote to me to send my people, that he might come with them to Fyzabad. I sent people accordingly to bring Mr. John Gordon; and the said gentleman arrived here in complete safety: and Mr. John Gordon is now present. Ask him yourself of these matters. Mr. John Gordon will represent matters in detail: the truth will then become known, how ill-founded the calumny is. Should you come here for a few days it will be very well; and if not, I will wait on you; and your coming here is very necessary, that all my affairs may become arranged. And send a speedy answer to my letters, and a letter to Azoph ul Dowlah, and Mr. Middleton, and Hussein Reza Khân, and Hyder Beg Khân, on the subject of ceasing to molest my jaghires; and send me constantly news of your health, for my peace of mind depends thereon."

This letter was transmitted to Mr. Hastings. I desire your lordships will remark upon this letter, for it is a most important one indeed. It is hardly worth observing that all this correspondence came out of the various trunks, of which your lordships have already heard; and that this letter is out of the trunk of Mr. Hastings's private Persian secretary and interpreter, Mr. Jonathan Scott. Now, my lords, in this letter there are several things worthy of your lordships' observation. The first is, that this woman is not conscious of having ever been accused of any rebellion; the only accusation that ever came to her ears was, that Captain Gordon said that his baggage had been robbed by one of her aumils. She denies the truth of this charge; and she produces testimonials of their good behaviour to him; and, what is the

essential point of all, she desires Mr. Hastings to apply to this Mr. John Gordon, and to know from him what truth or falsehood there is in that accusation, and what weight there is in the attestation she produces. "Mr. Gordon is now present," says she, "ask him yourself of these matters." This reasonable request was not complied with. Mr. Gordon swears before Sir Elijah Impey to the robbery; but he never mentions the paper he had written, in which he confessed that he owed his life to this very lady. No inquiry was made into this matter. Colonel Hannay was then alive: Captain Gordon was alive, and she refers to him; yet that very man was sworn before Sir Elijah Impey, and accuses his prisoner. Did the prisoner at your bar make that attestation known to the Begums, whose letter at that very time was in his possession in Mr. Scott's trunk—that very letter in which he is desired to make the inquiry from Captain Gordon?

Mr. Hastings is acquainted with the facts stated by the Begums and with Captain Gordon's accusation. Did he afterwards inform her of this accusation, or did he ask this Captain Gordon one question in India, where the matter might be ventilated? Not one word, my lords; therefore we fix upon him fraud, deceit, and the production of false evidence, after the woman had desired to have the man who was the evidence against her examined upon the spot. This he does not do, but with much more prudence he brings him here. And for what? To discredit his own testimony and the written evidence. And how does he discredit them?—There are two of these papers which I beg leave to read to your lordships.

Copy of a letter to Jewar and Behar Ali Khân, from Mr. Gordon:—Sirs. My indulgent friends, remain under, &c., &c. &c. After compliments, I have the pleasure to inform you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning about ten or eleven o'clock, through your favour and benevolence, arrived safe at Goondah. Mur Aboo Buhsh zemindar and Mur Rustum Ally accompanied me."

"To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in his keeping, and

increase your property, and speedily grant me the pleasure of an interview, until which time continue to favour me with friendly letters, and oblige me by any commands in my power to execute; may your wishes be ever crowned with success! My compliments," &c. &c. &c.

Copy of an address from Mr. Gordon to the Begum:—"Begum Saib of exalted dignity and generosity, whom God preserve. After presenting the usual professions of servitude, &c. in the customary manner, my address is presented."

"Your gracious letter, in answer to the petition of your servant, from Gooudah, exalted me. From the contents, I became unspeakably impressed with the honour it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity. The welfare of your servant is entirely owing to your favour and benevolence; a few days have elapsed since I arrived at Gooudah, with the Colonel Saib."

"This is presented for your highness's information, I cherish hopes from your generosity, that considering me in the light of one of your servants, always continue to exalt and honour me with your gracious letters. May the sun of prosperity continually shine."

These acknowledgments of the Begum's friendly disposition and services were concealed when the charge was made against this woman at Lucknow, before Sir Elijah Impey. I wish to impress this upon your lordships' mind; and that before Mr. Hastings left Bengal, in the trunk of Major Scott, his private Persian interpreter, was this letter. Did he make that inquiry of Captain Gordon? No. Did he make that inquiry of Colonel Hannay? Did he make any inquiry into the matter after his perusal of these letters; or did he give this poor woman any opportunity of obtaining justice against this Captain Gordon, who, after acknowledging that he owed his life to her favour, calumniates and traduces her to her utter destruction? No; he never did, and therefore he is chargeable, and I charge him, with everything that is wrongful in Captain Gordon's evidence.

These papers, which carry with them a clear refutation of all the charges against the Begums, are never once produced, though Captain Gordon was referred to expressly for inquiry and explanation of the whole transaction, by the woman her-

self. You hear nothing of them; there is no appearance of them in the affidavits; no such papers were laid before the supreme council; none were transmitted to the court of directors: but at last the House of Commons having come at the truth of this matter, Mr. Hastings, not daring to deny the existence of these papers, brings Captain Gordon to be examined here, in order to prove that papers which he had himself written were false. Is this to be tolerated? What will your lordships think of a man that comes to attest his own infamy, to declare that he has written papers containing falsehoods, and to invalidate the false testimony which he had before given? Is he to be suffered, I say, to come here, and endeavour to prove the absolute falsity of his own deeds by his own evidence?

The next point for your lordships' consideration is the evidence which he produces to prove the falsity of a paper written by himself. Why, he himself is the sole evidence. And how does he prove it? Why, says he, the reason of my writing that letter was this; she had sent a person with me as an escort, and this person was desirous of receiving some proof that he had done his duty; and, therefore, I wrote a complaisant letter. I meant nothing by it. It was written merely to satisfy the mind of the man. Now, is that the way in which formal and solemn letters, written upon great occasions to great people, are to be explained away? If he had said nothing but—your servant, such a one, has done his duty, —this explanation might pass. But, you see, it has another complexion. It speaks of his owing his life to her. But if you admit that it is possible (for possibilities have an unknown extent) that he wrote such a letter at such a time, and for such a purpose, and that the letter he wrote was false, and that the falsity of the letter is proved by his own testimony, given in an affidavit, which we have also reason to believe is false, your lordships must at the same time admit that it is one of the most complex pieces of fraud and falsehood that I believe ever existed in the world. But it is worse than all this. There is another letter, written some days after, which I will read to you, and which he has not pretended to say was written only to testify that a messenger had executed his commission properly:—"Your gracious letter" (he thus writes), "in answer to the petition of your servant from

Goondah, exalted me. From the contents, I became unspeakably impressed with the honour it conferred."

My lords, this letter was not sent back by a messenger, in acknowledgment of his having done his duty; but was written in consequence of a correspondence in the nature of a petition, for something or other, which he made to the Begum. That petition they have suppressed and sunk. It is plain, however, that the petition had been sent, and was granted; and therefore the apology that is made for the former letter does not apply to this letter, which was written afterwards.

How then do they attempt to get rid of this difficulty? Why, says Captain Gordon, "*the Colonel Saib* (by whom was meant Colonel Hannay) was not at Goondah, as stated in the letter, but at Succara, about eighteen miles from it, and therefore you ought not to pay much regard to this paper:" but he does not deny the letter, nor was it possible for him to deny it. He says, Colonel Hannay was not there; but how do we know whether Colonel Hannay was there or not? We have only his own word for it;—but supposing he was not there, and that it was clearly proved that he was eighteen miles distant from it, Major Naylor was certainly with Captain Gordon at the time. Might not his Persian scribe (for he does not pretend to say he wrote the letter himself) take Major Naylor for a colonel (for he was the superior officer to Captain Gordon), and think him the Colonel Saib? for errors of that kind may be committed in our own country. Every day we may take a major for a lieutenant-colonel. This was an error that might easily have happened in such a case. He was in as high rank as Colonel Hannay, for Colonel Hannay at that time was only a major; I do not believe either of them was properly entitled to the name of Colonel Saib. I am ashamed, my lords, to be obliged to remark upon this prevarication. Their own endeavours to get rid of their own written acts, by contradictory evidence and false constructions, sufficiently clear these women of the crimes of which they were accused; and I may now ask the prisoner at your bar how he dares to produce Captain Gordon here—how he dares thus to insult the Peers—how he dares thus to insult the public justice of his country; after not having dared to inquire upon the spot of this man to whom he was re-

ferred by the Begums, for an account of this very transaction?

I hope your lordships have got enough of this kind of evidence. All the rest is of the same batch and of the same description; made up of nothing but hearsays, except in one particular only. This I shall now mention to your lordships. Colonel Popham and another gentleman have told you that in a battle with Cheit Sing's forces, they took prisoners two wounded nudjeeves, or swordsmen, and that these men told them that they were sent there by the Begums: that they had got two rupees and two wounds; but that they thought two rupees a bad compensation for two wounds. These two men, with their two wounds and two rupees, had however been dismissed. It does not appear that this accident was considered by these officers to be of consequence enough to make them ever tell one word of it to Mr. Hastings, though they knew he was collecting evidence of the disaffection of the Begums, of all kinds, good, bad, and indifferent, from all sorts of persons.

My lords, I must beg leave to say a few words upon this matter; because I consider it as one of the most outrageous violations of your lordships' dignity, and the greatest insult that was ever offered to a court of justice. A nudjeeve is a soldier armed with a sword. It appears in evidence that the Nabob had several corps of nudjeeves in his service; that the Begums had some nudjeeves; and that Colonel Hannay had a corps of nudjeeves. It is well known that every prince in Hindostan has soldiers of that description, in like manner probably as the princes of Europe have their guards. The whole then amounts to this; that a story told by two men who were wounded in an action far from the place from which they were supposed to come, who were not regularly examined, not cross-examined, not even kept for examination, and whose evidence was never reported, is to be a reason why you are to believe that these Begums were concerned in a rebellion against their son, and deserved to forfeit all their lands and goods, and to suffer the indignities that we have stated.

My lords, I am really ashamed to mention so scandalous a thing; but let us put a case, let us suppose that we had accused Mr. Hastings of instigating the Rajah of Berar to fall

upon some of the country powers; and that the evidence we produced at your bar to prove it was, that an officer had taken two nudjeeves, who declared they were instigated by Mr. Hastings to go into the service of that Rajah. Could you bear such a thing? would you suffer such evidence to be produced? or do you think that we should have so little regard for our own reputation, as to venture to produce such evidence before you? Again we have charged Mr. Hastings with committing several acts of violence against the Begums. Let us suppose our proof to be, that two persons who never appeared before nor since, that two grenadiers in English uniforms (which would be a great deal stronger than the case of the nudjeeves, because they have no particular uniform belonging to them), that two English grenadiers, I say, had been taken prisoners in some action and let go again, who said that Mr Hastings had instigated them to make war upon the Begums, would your lordships suffer such evidence to be produced before you? No, and yet two of the first women in India are to be stripped of all they have in the world upon no better evidence than that which you would utterly reject.

You would not disgrace the British peerage, you would not disgrace this court of justice, you would not disgrace human reason itself, by confiscating on such evidence the meanest property of the meanest wretch. You would not subject to the smallest fine for the smallest delinquency, upon such evidence. I will venture to say that in an action of assault and battery, or in an action for the smallest sum, such evidence would be scouted as odious and contemptible, even supposing that a perfect reliance might be placed upon its truth. And yet this is the sort of evidence upon which the property, the dignity, and the rank of some of the first persons in Asia are to be destroyed; by which a British guarantee and the honour and dignity of the crown of Great Britain, and of the parliament itself which sent out this man, are to be forfeited.

Observe, besides, my lords, that the two swordsmen said they were sent by the Begums. Now they could not be sent by the Begums in their own person. This was a thing in India impossible. They might, indeed, have been sent by Jewar and Behar Ali Khân: and then we ask again, how

came these ministers not to be called to an account at the time? why were they not called upon for their muster-rolls of these nudjeeves? No; these men and women suffer the penalty, but they never hear the accusation nor the evidence.

But to proceed with the evidence of this pretended rebellion. Captain Williams has told your lordships, that he once had a great number of letters and papers to prove this rebellion of the Begums. But he declares that he has lost all these letters. A search was ordered to be made in Mr Hastings's record-office, called a trunk; and accordingly in the trunk is found a paper worthy of such a place and such a cause. This letter, which has been made use of to criminate the Begums, has not their names mentioned, nor is there any possibility of their being included in it. By this paper which is preserved you may judge of the whole of the papers that are lost. Such a letter, I believe, was never before brought as evidence in a court of justice. It is a letter said to have been intercepted, and is as follows:

"To the most noble * * * * * whose prosperity be everlasting. It is represented that the august Purwanah (command) having completed his honourable arrival on the 16th of the month in the evening, highly exalted me; it is ordered that I should charge Medeporee and the other enrolled sepoys belonging to my district, and take bonds from them that none of them go for service to the Rajah; and that when four hundred or five hundred men, nudjeeves and others, are collected, I should send them to the presence, according to the order I have written to Brejunckar Shah Rehemet Ulla, who is in Bhooaparah, charging him to take bonds from them; and that whatever sepoys fit for service are collected, he should send to the presence. As at this time the wind is contrary, the sepoys will not * * * * without travelling charges; for I have learnt from a letter previously received from Brejunckar Shah Rehemet Ullah, that the people there also are badly inclined; by the grace of God, the unalterable glory shall be * * * * * Zehan Beg and the nudjeeves who were in the fort of Aneelah have gone off to Gooruckpore."

This is a letter of somebody or other, employed by somebody or other for the recruiting service; it should seem by

the word "presence," somebody employed in enlisting forces for the Nabob. The charge against the Begum was, that she had joined with the rebellious rajahs to exterminate her son's government and the English influence in that country. In this very paper you see that the soldiers entering into that service, and officers who are to contract for soldiers, are expressly bound not to join the rajahs; and this they produce as proof that the Begums had joined the rajahs, and had joined them in a rebellion for the purpose of exterminating their son, in the first instance, and the English afterwards.

There is another circumstance which makes their own acts the refutation of their false pretences. This letter says that the country is disaffected, and it mentions the ill-disposed parts of the country. Now we all know that the country was ill-disposed; and we may therefore conclude this paper was written by, and addressed to, some person who was employed against the persons so ill-disposed: namely, the very rajahs so mentioned before. The prisoner's counsel, after producing this paper, had the candour to declare that they did not see what use could be made of it. No, to be sure, they do not see what use can be made of it for their cause; but I see the use that can be made of it against their cause. I say that the lost papers upon which they do so much insist deserve no consideration, when the only paper that they have preserved operates directly against them; and that therefore we may safely infer, that, if we had the rest of the contents of this trunk, we should probably find them make as strongly against them as this paper does. You have no reason to judge of them otherwise than by the specimen; for how can you judge of what is lost but from what remains?

The man who hid these papers in his trunk never understood one word of the Persian language, and consequently was liable to every kind of mistake, even though he meant well. But who is this man? Why it is Captain Williams, the man who in his affidavits never mentioned the Begums without mentioning Saadit Ali. It is Captain Williams whom we charge to have murdered a principal man of the country by his own hand, without law or legal process. It is Captain Williams, one of those British officers whom Mr. Hastings states to be the pests of the country. This is the man who comes here as evidence against these women, and

produces this monstrous paper. All the evidence they had produced to you amounts to no more than that such a man *believes* such a man *heard of something:* and to close the whole of this hearsay account, Sir Elijah Impey, who always comes in as a supplement, declares that no man doubted of the existence of this rebellion and of the guilt of the Begums, any more than of the rebellion of 1745; a comparison which, I must say, is, by way of evidence, a little indecorous in a chief justice of India.

Your lordships are sufficiently acquainted with the history of that rebellion to know, that when Lord Lovat was tried at this bar, the proceedings against him were not founded on second-hand hearsay. The existence of the rebellion of 1745 was proved, notwithstanding its notoriety; but neither notoriety nor proof would have signified anything, if Lord Lovat's participation in it had not been brought home to him directly, personally, and particularly. Yet a chief justice, sent to India to represent the sacred majesty of the crown of England, has gone so far as to say at your bar, that no more doubt could be entertained of the existence either of the rebellion or the guilt of the Begums, than of the rebellion in 1745. Besides, he forgets that he himself carried the order to confiscate these people's property without any trial whatever. But this is the way of proceeding by an English chief justice in India—a chief justice who had rendered himself the instrument, the letter-carrier, the messenger—I had almost said, the executioner of Mr. Hastings.

From this view of the whole matter, your lordships will form an estimate of the spirit of Indian government and Indian justice. But to blow away and to put an end to all their false pretences, their hearsays, and talks of nudjeeves and wounds and the like, I ask who is the first witness that we have produced upon this occasion? It is the Nabob himself, negativing all these pretences. Did he believe them? Not a word from him of any rebellion actual or suspected. Sir Elijah Impey indeed said that he was obliged to wheel round and to avoid that dangerous place Fyzabad. His friends urged him to this.—For God's sake, say they, have a reverend care of your sacred person! What will become of the justice of India? What will become of the natives, if you, their legitimate protector, should fall into the hands of

these wicked rebellious women at Fyzabad? But although the chief justice does this, the Nabob, whose deposition is said to be the first object of this rebellion, takes leave of Mr. Hastings at the very moment when it is raging in the highest possible degree, and gallops into its very focus.

And under what circumstances does he do this? He had brought some considerable forces with him. No man of his rank in that country ever goes without them. He left a part of these forces with Mr. Hastings, notwithstanding he was going into the centre of the rebellion. He then went on with a corps of about a thousand horse. He even left a part of these with Mr. Middleton, and galloped, attended by a few horse, into the very capital, where the Begums, we are told, had ten thousand armed men. He put himself into their power, and not satisfied with this, the very first thing we hear of him after his arrival is, that he paid his mother a friendly visit. Thus rushing into the den of a lioness who was going to destroy her own whelp. Is it to be credited, my lords, that a prince would act thus who believed that a conspiracy was formed against him by his own mother? Is it to be credited that any man would trust a mother who, contrary to all the rules of nature and policy, had conspired to destroy her own son?

Upon this matter your lordships have the evidence of Captain Edwards, who was aide-de-camp to the Nabob, who was about his person, his attendant at Chunar, and his attendant back again. I am not producing this to exculpate the Begums;—for I say you cannot try them here; you have not the parties before you; they ought to have been tried on the spot;—but I am going to demonstrate the iniquity of this abominable plot beyond all doubt, for it is necessary your lordships should know the length, breadth, and depth of this mystery of iniquity.

Captain Edwards being asked—"Whether he ever heard any native of credit and authority in the Nabob's dominions, who appeared to believe the rebellion of the Begums?—*A.* No, I never did. *Q.* Have you any reason to believe that the Nabob gave credit to it?—*A.* I really cannot rightly presume to say whether the Nabob did or did not; but I am apt to believe that he did not. *Q.* Have you any reason, and what, to form a belief about it?—*A.* I have. I think if he

supposed the rebellion ever existed at Fyzabad, he would have been the first person to take and give the alarm to the British troops. *Q.* And no such alarm was taken or given to the British troops? —*A.* No, I think not; as I was always about his person and in the camp, I think I certainly must have known it or heard of it; but I never did."

We assure your lordships you will find upon your printed minutes, that Captain Edwards says he was credibly informed that the Nabob left behind him a part of his guard of horse; and that so desirous was he to go into the power of this cruel lioness, his mother, that he advanced, as he is a vigorous man, and a bold and spirited rider, leaving all his guards behind him, and rode before them into the middle of Fyzabad.

There is some more evidence to the same purpose in answer to the question put next to that which I read before.

"*Q.* When you did hear of the rebellion, did not you understand it to have been alleged that one object of it was to dethrone the Nabob himself, as well as to extirpate the English?—*A.* I understood that the intention of the princesses, the Begums, was to extirpate the English troops out of the country and out of those dominions, and likewise to depose her son, and set another son, who seems to have been a greater favourite of that family, upon the throne, in the room of the present Nabob, and that son's name is Saadit Ali. I have only heard this from report. I have no other knowledge but mere report. I understood from the report, she was to extirpate the English, and depose her son, who is now upon the throne. *Q.* Was it after or before the seizing of the treasures, that you heard a circumstantial account of the supposed object of the rebellion?—*A.* The report was more general after the seizing of the treasures; but yet there were reports prevailing in the neighbourhood, that our troops were sent there in consequence of the charge that was made by Colonel Hannay and some of his officers, of a rebellion existing then at Fyzabad, or having existed, I cannot rightly say which. *Q.* Was that report after the order for the troops to march to Fyzabad?—*A.* It was more general, it was very general then when the troops did march there, and more general after the seizing of the treasures. *Q.* When did the troops first march?—*A.* It was some time in the month of January, I believe in the year 1782. *Q.* While you

was with the Nabob in passing from Lucknow to Chunar, and while you was with him, or the army returning from Chunar, did you then, out of the whole army regular or irregular, ever hear of any report of the Begums being in rebellion?—*A.* No; I do not recollect I ever did. *Q.* Upon cross-examination—do you recollect at what time in August, 1781, you left Lucknow to proceed with the Nabob to Chunar?—*A.* No; I cannot rightly mention the date; all that I know is this, that I accompanied the Nabob, Mr. Middleton, and his attendants all the way from Lucknow to Chunar;—I really cannot recollect, I have no notes, and it is so distant a time since that I do not recollect the particulars of the month or the day; but I recollect perfectly I accompanied the Nabob all the way from Lucknow to Chunar, and returned again with him until he struck off on the road for Fyzabad."

Your lordships see plainly the whole of this matter; when they had resolved to seize the Begums' treasures, they propagated this report just in proportion to their acts. As they proceeded, the report grew hotter and hotter. This man tells you when it was that the propagation of this report first began, when it grew hot, and when it was in its greatest heat. He tells you that not one native of credit in the country believed it; that he did not think the Nabob himself believed it; and he gives a reason that speaks for itself, namely, that he, the Nabob, would have been the first man to give the alarm if he believed in a rebellion, as he was to be the object of it.

He says the English were the principal spreaders of the report. It was in fact a wicked report propagated by Mr. Middleton and the English agents, for the purpose of justifying their iniquitous spoliation of the Begums.

This is the manner in which the matter stands upon the ground of rebellion, with the exception of Major Gilpin's and Hyder Beg Khân's testimony. This last man we have proved to have been kept in his office by Mr. Hastings's influence, and to have been entirely under his government. When this dependant comes to give his attestation, he gives a long account of all the proceedings of Cheit Sing's rebellion, with which the rebellion charged on the Begums was supposed to be coincident; and he ends it very remarkably—that he tells

the whole truth, and nothing but the truth. But it is also remarkable, that even this Hyder Beg Khân never mentions by name the rebellion of the Begums, nor says that he ever heard a word about it: a strong proof that he did not dare, in the face of his country, to give countenance to such a falsehood.

Major Gilpin's evidence leaves not even the shadow of a pretence for this charge. He had the Begums and their eunuchs under his custody for a full year; he was strictly ordered to watch them and to guard them, and during all that time he lived at Fyzabad. He was the man who commanded the troops; who had all the witnesses in his power; who had daily access to all parties at Fyzabad; and who, moreover, was a person attached to Mr. Hastings in the strongest manner.

Your lordships will now be pleased to hear read to you this part of Major Gilpin's evidence:—"*Q*. Had you any opportunity of knowing the character of the Begums, and whether they were disaffected to our government?—*A*. I had a very good opportunity of knowing, from the circumstance of my having commanded so long there; the elder Begum, it was generally understood (and I have reason to believe), was disaffected to our government; and my sentiments of her conduct stand recorded in my correspondence to the court of Lucknow to that effect; but with respect to the Bow Begum, I acquit her entirely of any disaffection to our government, so far as comes to my knowledge; appearances were for some time against her, but on cool, deliberate inquiry, I found there was no ground for supposing her guilty of any rebellious principles, at the time of Cheit Sing's rebellion. *Q*. Whether that, according to your belief, is not your present opinion?—*A*. I think I have answered that very fully, that it was upon those very principles that I did form an opinion of her innocence; how far they are justifiable or right, I will not take upon me to say upon oath; there was no one circumstance that came to my knowledge during my residence at Fyzabad, or my residence in India, that I would wish to withhold from your lordships. *Q*. You state here, upon cool, deliberate inquiry; what was that cool, deliberate inquiry?—*A*. That cool, deliberate inquiry was the conversations I had with the ministers and the people of Fyzabad,

and the letters from herself expressing her innocence; and it appeared to me from those letters that she really was our friend and ally."

The same witness goes on afterwards to say:—"*Q.* I understood you to say, that originally the report prevailed with respect to both the Begums, but that you was induced to alter that opinion with respect to the younger Begum, in consequence of Mr. Gordon's letters and the intelligence of some of her ministers and other persons; were not those other persons in the interest of the younger Begum?—*A.* In general the town of Fyzabad were in her interest. *Q.* In what sense do you mean generally in her interest; were the persons you conversed with merely those who were in her service and household, or the inhabitants of Fyzabad in general?—*A.* Both; I held conversations with both her own body servants and the inhabitants of the city. [*A little lower down in the same page.*] What do you mean by the word rebellion, as applied to the Begums; in what sense do you use it?—*A.* In raising troops and in other acts of rebellion, in the common acceptation of the word. *Q.* Against whom? —*A.* Against the Nabob's government and the British government jointly; but I beg to know the particular time and circumstance the question alludes to. *Q.* I understand you to have said, you understood the elder Begum was in a constant state of rebellion; in what sense do you use the word rebellion? did you say the elder Begum was in a constant state of rebellion?—*A.* I always understood her to be disaffected to the English government; it might not be a proper expression of mine, the word rebellion. *Q.* Do you know of any act by the elder Begum against the Vizier?—*A.* I cannot state any. *Q.* Do you know of any act which you call rebellion, committed by the elder Begum against the Company?—*A.* I do not know of any particular circumstance, only it was generally supposed that she was disaffected to the Company. *Q.* What acts of disaffection or hostility towards the English do you allude to, when you speak of the conversation of the world at the time?—*A.* I have answered that question as fully as I can, that it was nothing but conversation, that I knew of no particular act or deed myself."

This man then declares, as your lordships have heard,

that upon cool, deliberate inquiry made at Fyzabad from all the inhabitants, he did not believe in the existence of any rebellion. That as to the Bow Begum, the grandmother, who was a person that could only be charged with it in a secondary degree, and as conspiring with the other, he says, he knows no facts against her, except that at the battle of Buxar, in the year 1764, she had used some odd expressions concerning the English, who were then at war with her son, Sujah Dowlah. This was long before we had any empire or pretence to empire in that part of India; therefore the expression of a rebellion, which he had used with regard to her, was, he acknowledged, improper; and that he only meant he had formed some opinion of her disaffection to the English.

As to the Begum, he positively acquits her of any rebellion. If he therefore did not know it, who was an active officer in the very centre of the alleged rebellion, and who was in possession of all the persons from whom information was to be got, who had the eunuchs in prison, and might have charged them with this rebellion, and might have examined and cross-examined them at his pleasure; if this man knew nothing about it, your lordships will judge of the falsehood of this wicked rumour, spread about from hand to hand, and which was circulated by persons who at the same time have declared that they never heard of it, before Sir Elijah Impey went up into the country, the messenger of Mr. Hastings's orders, to seize the treasures of the Begums, and commissioned to procure evidence in justification of that violence and robbery.

I now go to another part of this evidence. There is a person they call Hoolas Roi; a man in the employment of the resident, Mr. Middleton. The gentlemen who are counsel for the prisoner have exclaimed,—Oh! he was nothing but a news writer. What! do you take any notice of him? Your lordships would imagine that the man whom they treat in this manner, and whose negative evidence they think fit to despise, was no better than the writers of those scandalous paragraphs which are published in our daily papers, to misrepresent the proceedings of this court to the public. But who in fact is this Hoolas Roi, whom they represent, for the convenience of the day, to be nothing but a news writer? I will read to your lordships a letter from Major Naylor to

Colonel Jaques, commanding the second battalion, 20th regiment.

"Sir,— Hoolas Roi, the person appointed by the Nabob for transacting the business for which the troops are required here, will hold constant communication and intercourse with you; and as he is instructed and acquainted with the best method to accomplish this business, Mr. Middleton requests implicit attention to be paid to what he may from time to time represent respecting the prisoners, or the business on which he is employed; in short, as he is the person nominated by the Nabob, he wishes Hoolas Roi to be considered in the same light as if he himself was present."

Mr. Middleton, in a letter to Lieutenant Francis Rutledge, writes thus of him: "Sir,— When this note is delivered to you by Hoolas Roi, I have to desire that you order the two prisoners to be put in irons, keeping them from all food, &c., agreeably to my instructions of yesterday."

You will first see in how confidential a manner Hoolas Roi was employed, and in what light he was held. That he was employed to carry some instructions which do not indeed appear, but were accompanied by an order from Mr. Middleton. "When these instructions shall come to you, to put these prisoners in irons and keep them without food," &c. The Begums say, without food and water. Et cetera are words of large *import*—but he was "to keep them without food, &c., agreeably to my instructions of yesterday." This was a pretty general warrant for sufferings. This Hoolas Roi, this mere news writer, was not only intrusted with this warrant, but Mr. Middleton declares him to be a person who was to be received there, and to represent the Nabob, and very justly too; for he, Mr. Middleton, was undoubtedly the real Nabob of the country. The man therefore, whom they talk of in this contemptuous manner, in order to make slight of an observation we made, and which I shall make again, and whom they affect to consider as a mere paragraph-monger in some scandalous newspaper, was a man vested by Mr. Middleton with authority equal to that of the Nabob himself.

Mr. Hastings not only thought him of consequence enough

to be a witness to the severities used on the ministers of the Begums, but he considered that he would afterwards be a fit witness to the rebellion. I pray your lordships to mark this —he sent for this Hoolas Roi (who is now nothing but a mere paragraph-monger),—he sent for him from Fyzabad to Benares—a pretty long journey; and at last caused him to be examined before Sir Elijah Impey. He has, however, sunk his evidence; a suppression which is strongly in favour of the Begums, and equally strong against their accuser. Here we have a man who was intrusted with all their orders; who represented the English government; who represented the Nabob's government; this man is sent for by Mr. Hastings: he gives his depositions before Sir Elijah Impey; and the deposition so given is not to be found either upon the Company's record, in Sir Elijah Impey's trunk, in Jonathan Scott's trunk, nor in any other place whatever. The evidence of a witness who could speak most clearly, as probably he did, and most decisively upon this subject is sunk. They suppress, and dare not produce, the affidavit of the man who was at the bottom of every secret of both governments. They had the folly to let you know, obliquely, that he had been sent for by Mr. Hastings, but they conceal the information obtained from him; a silence more damning than any positive evidence could be. You have here a proof of their practice of producing such evidence only as they thought most favourable to their wicked purposes, in the destruction of this great and ancient family.

But all the English, they say, believed in the existence of this rebellion. This we deny. Mr. Purling, who was resident the year before its pretended explosion, has told you that he never knew of anything like a plot carrying on by these women. We were almost ashamed to put the question to him. Did Mr. Bristow, the next resident, know or believe in this plot? He seems, indeed, to have been induced to give some oblique hints to Mr. Hastings of improper conduct on the part of the Begums, but without stating what it was. In a letter to Mr. Hastings, he appears to endeavour to soften the cruel temper of this inflexible man, by going a little way with him, by admitting that he thought they had behaved improperly. When Mr. Wombwell, another resident, is asked whether any Englishman doubted of it, he says, Mr. Bristow

doubted of it. No one indeed who reads these papers can avoid seeing that Mr. Bristow did not believe one word of it; no more, in fact, than did Mr. Hastings or anybody else.

But, my lords, let us go from these inferior agents and servants of the Company to their higher officers. Did Mr. Stables believe it? This gentleman was Mr Hastings's colleague in the council, a man of as much honour, I really believe, as ever went to India; a faithful old servant of the Company, and very worthy of credit. I believe there is not a spot upon him during all his long service under the Company—if any, it is his being a little too obsequious, sometimes, to Mr. Hastings. Did he believe it? No, he did not, and yet he was one of the persons authorized to investigate it coolly, and most able to do so. Upon the whole, then, the persons who best knew the state of the country did not believe it; the Nabob did not believe it, the Begums were never charged with it, no ground of suspicion is suggested, except loose rumours and the story of two nudjeeves. Under these circumstances the treasures of these ancient ladies were seized, their property confiscated, and the Nabob dragged most reluctantly to this act. Yes, my lords, this poor, miserable victim was forced to violate all the laws of nature, all decency, all property; to rob his own mother for the benefit of Mr. Hastings. All this he was forced to do, he was made the reluctant instrument of punishing his mother and grandmother for a plot of which even their accusers do not pretend to say that the parties accused had ever received any intimation.

My lords, in forming your judgment upon this nefarious proceeding, your lordships will not fail to advert to the fundamental principles, the acknowledged maxims, and established rules of all judgment and justice,—that conviction ought to precede execution; that trial ought to precede conviction, and that a prosecutor's information and evidence ought to be the preliminary step and substance of the trial. Here everything was reversed: Sir Elijah Impey goes up with the order for execution; the party accused is neither arraigned nor tried. This same Sir Elijah then proceeds to seek for witnesses and to take affidavits, and in the mean time neither the Nabob, the ostensible prosecutor, nor his mother and grandmother, the parties accused, knew one word of the matter.

But possibly some peculiarity in the circumstances of the case rendered such a proceeding necessary, and may justify it. No such peculiarity has been proved or even alleged; nay, it is in the highest degree improbable that it could have existed. Mr. Hastings had another opportunity of doing himself justice; when an account of this business was transmitted to the court of directors, they ordered him to inquire into it: and your lordships will see what he did in consequence of this order. Your lordships will then judge of the extreme audacity of the defence which he has made of this act at your bar, after having refused to institute any inquiry into it, although he had the positive order of the court of directors, and was in the place where that inquiry could be made effectually, and in the place where the unfortunate women could have an opportunity of clearing themselves.

I will first read to your lordships an extract from the letter of the court of directors to the board at Calcutta; dated the 14th of February, 1783.

4.—"By the second article of the treaty [of Chunar] the Nabob is permitted to resume such jaghires as he shall think proper, with a reserve, that all such jaghirdars, for the amount of whose jaghires the Company are guarantees, shall, in case of a resumption of their lands, be paid the amount of the net collections through the resident.

5.—"We do not see how the Governor-General could consent to the resumption of such lands as the Company had engaged should remain in the hands of those who possessed them previous to the execution of the late treaty, without stronger proofs of the Begum's defection than have been laid before us; neither can we allow it to be good policy to reduce the several jaghirdars, and thus uniting the territory, and the troops maintained for the protection of that territory, under one head, who, by that means, at some future period, may become a very powerful enemy to the Company.

6.—"With respect to the resumption of the jaghires possessed by the Begums in particular, and the subsequent seizure of the treasure deposited with the Vizier's mother, which the Governor-General, in his letter to the board, 23rd January, 1782, has declared he strenuously encouraged and supported, we hope and trust, for the honour of the British

nation, that the measure appeared to be fully justified in the eyes of all Hindostan.

"The Governor-General has informed us, that it can be well attested that the Begums principally excited and supported the late commotions, and that they carried their inveteracy to the English nation so far as to aim at our utter extirpation.

7.—"It must have been publicly known, that in 1775 the resident at the Vizier's court not only obtained from the Begum, widow of the late Sujah Dowlah, on the Nabob's account, thirty lacks of rupees, half of which was to be paid to the Company, but also the forbearance of twenty-six lacks, for the repayment of which she had security in land, on the Nabob's agreeing to renounce all further claim upon her, and that to this agreement the Company were guarantees.

8.—"We find that, on the 21st December, 1775, the Begum complained of a breach of engagements on the part of the Nabob, soliciting your protection for herself, her mother, and for all the women belonging to the seraglio of the late Nabob from the distresses to which they were reduced—in consequence whereof it was agreed in consultation, 3rd January, 1776, to remonstrate with the Vizier; the Governor-General remarking—that, as the representative of our government has become an agent in this business, and has pledged the honour and faith of the Company for the punctual observance of the conditions under which the treaty was concluded, you had a right to interfere, and justice demanded it, if it should appear that those engagements have been violated.

"And the board at the same time resolved,—that, as soon as the Begum's engagements with the Nabob, to which Mr. Bristow is a party, shall be fulfilled on her part, this government will think themselves bound to protect her against any further demand or molestation.

9.—"If therefore the disaffection of the Begums was not a matter of public notoriety, we cannot but be alarmed for the effects which these subsequent transactions must have had on the minds of the natives of India;—the only consolation we feel upon this occasion is, that the amount of those jaghires, for which the Company were guarantees, is to be paid

through our resident at the court of the Vizier; and it very materially concerns the credit of your government on no account to suffer such payments to be evaded.

10.—"If it shall hereafter be found that the Begums did not take that hostile part against the Company which has been represented (as well in the Governor-General's narrative as in several documents therein referred to; and as it nowhere appears, from the papers at present in our possession, that they excited any commotion previous to the imprisonment of Rajah Cheit Sing), but only armed themselves in consequence of that transaction; and as it is probable that such a conduct proceeded entirely from motives of self-defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions, we direct that you use your influence with the Vizier, that their jaghires may be restored to them; but if they should be under apprehensions respecting the future conduct of the Vizier, and with our further protection, it is our pleasure that you afford those ladies an asylum within the Company's territories, and these be paid the amount of the net collections of their jaghires, agreeable to the second article of the late treaty, through the medium of our resident, as may be ascertained upon an average estimate of some years back."

You see, my lords, the directors had received every one of his false impressions. They had conceived an idea that, after the rebellion of Cheit Sing (but not before, upon his own showing), the Begums had shown a disposition to arm. They here assume a false fact, which Mr. Hastings stated in his representation of the business to them. They assume a variety of other false facts,—they assume that the amount of the jaghires of the Begums was to be paid them in regular pensions, whereas they were totally confiscated without any compensation at all. And yet, upon Mr. Hastings's own showing, they found the transaction to be so dishonourable to the British government, that they desire him to make inquiry into it, and give redress accordingly.

Here then is another order of the Company, another call upon Mr. Hastings, to examine to the bottom of this affair. The directors, after giving him credit for that enormous mass of falsehoods which we have proved him to have stated

in his narrative, found themselves so utterly dissatisfied, that they gave this conditional order to restore the Begums to their jaghires. Your lordships will find it in evidence upon your minutes, that he contumaciously disobeyed this order; that he would not consent to the propositions of the council for inquiring into the conduct of these injured women, but stifled every attempt that was made by others to do them justice. And yet he here has the effrontery to propose that your lordships should inquire into the business at your bar; that you should investigate a matter here, which he refused to inquire into on the spot, though expressly ordered by his masters so to do.

I will now read to your lordships a short extract from his own narrative of his own proceedings. It begins with reciting part of a note entered by Mr. Macpherson in the consultations of the council, at the time when the orders of the court of directors, which I have just alluded to, were taken into consideration:—"What the court of directors seem to have most at heart are, first, that the engagement of the second article of the Benares treaty should be faithfully fulfilled; and secondly, to guard against the future misconduct of the Vizier, if he should be disposed to oppress the Begums.

"That we should therefore ascertain whether the amount of the jaghires of the Begums is regularly paid to them through the Company's resident; and give them notice that no future demands shall be made upon them. This the Governor-General might, I think, do in a letter, that would make the Begums sensible of their past misconduct, yet inform them of the lenity and gracious intentions of the Company, in ordering them an asylum in Bengal, in case of future distress." In consequence of the foregoing opinion from Mr. Macpherson, the following minute was delivered by the Governor-General:

"I should gladly acquiesce in the motion made by Mr. Macpherson, if I thought it possible to frame a letter to the Begums in any terms which should at the same time convey the intimation proposed by it, and not defeat the purpose of it, or be productive of evils greater than any which exist, in consequence of the proceedings which have already taken place, and which time has almost obliterated; the orders of

the court of directors are conditional, they require nothing; but in the event of discoveries made subsequent to the advices which were before you on the 14th February last, in alleviation of the former conduct of the Begums, nothing has since appeared in relation to them but their refusal, or rather that of one, to fulfil her engagements for the payment of the remainder of the sum exacted from her by the Nabob Vizier, in the beginning of last year. Whatever obedience may be due to the clear and ascertained spirit of the orders of the court of directors, this obligation cannot extend to points to which neither the letter nor evident spirit of their orders apply. If I am rightly informed, the Nabob Vizier and the Begums are on terms of mutual goodwill; it would ill become this government to interpose its influence by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it; it will be to little purpose to tell them that their conduct has, in our estimation of it, been very wrong; and at the same time to announce to them the orders of our superiors, which more than indicate the reverse; they will instantly take fire on such a declaration, proclaim the judgment of the Company in their favour, demand a reparation of the acts which they will construe wrongs, with such a sentence warranting that construction, and either accept the invitation to the proclaimed scandal of the Vizier, which will not add to the credit of our government, or remain in his dominions, but not under his authority, to add to his vexations and the disorders of the country by continued intrigues and seditions: enough already exists to affect his peace and the quiet of his people; if we cannot heal, let us not inflame the wounds which have been inflicted:

"If the Begums think themselves aggrieved to such a degree as to justify them in an appeal to foreign jurisdiction, to appeal to it against a man standing in the relation of son and grandson to them;—to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs;—let us at least permit them to be the judges of their own feelings, and prefer their complaints, before we offer to redress them; they will not need to be prompted:

"I hope I shall not depart from the simplicity of official language, in saying, that the majesty of justice ought to be approached with solicitation, not descend to provoke or in-

vite it, much less to debase itself by the suggestion of wrongs and the promise of redress, with the denunciation of punishment before trial, and even before accusation."

My lords, if, since the beginning of the world, such a paper as this was ever before written by a person standing in the relation of a servant to his master, I shall allow that every word we have said to your lordships upon this occasion to mark his guilt ought to be expunged from your minutes and from our charges.

Before I proceed to make any observations upon this act of open rebellion against his superiors, I must beg your lordships to remark the cruelty of purpose, the hostile feeling towards these injured women which were displayed in this daring defiance. Your lordships will find that he never is a rebel to one party without being a tyrant to some others; that rebel and tyrant are correlative terms when applied to him, and that they constantly go together.

It is suggested by the directors that the Nabob is the persecutor, the oppressor, and that Mr. Hastings is the person who is to redress the wrong; but here they have mistaken the matter totally. For we have proved to your lordships that Mr. Hastings was the principal in the persecution, and that the Nabob was only an instrument:—"If I am rightly informed," he says, "the Nabob and the Begums are on terms of mutual goodwill. It would ill become this government to interpose its influence by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it."—What animosities had they towards each other? None, that we know of. Mr. Hastings gets the Nabob to rob his mother; and then he supposes, contrary to truth, contrary to fact, contrary to everything your lordships have heard, that the Nabob would fall into a fury if his mother was to obtain any redress; and that if the least inquiry into this business was made, it would create a flame in the Nabob's mind on account of the active, energetic, spirited part he had taken in these transactions. Therefore, says he, Oh! for God's sake, soothe the matter:—it is a green wound,—don't uncover it:—do nothing to irritate:—it will be to little purpose to tell them that their conduct has in our estimation of it been very wrong, and at the same time an-

nounce to them the orders of our superiors, which more than indicate the reverse. Now, my lords, to what does all this amount? First, says he, I will not do them justice.—I will not enter upon an inquiry into their wrongs. Why?—Because they charge us with having inflicted them. Then surely for that reason you ought to commence an inquiry. No, says he, that would be telling them that our superiors suspect we are in the wrong. But when his superiors more than indicated suspicions, was he not bound tenfold to make that inquiry, for his honour and for their satisfaction, which they direct him to make? No, he will not do it, because, says he, the Begums would either accept the offer of an asylum in the Company's territories, to the proclaimed scandal of the Vizier, which would not add to the credit of our government; or they would remain in his dominions, but not under his authority, to add to his vexations and the disorders of the country, by continual intrigues and seditions.

You see, my lords, this man is constantly thrusting this peaceable Nabob before him, goading and pushing him on, as if with a bayonet behind, to the commission of everything that is base and dishonourable. You have him here declaring that he will not satisfy the directors, his masters, in their inquiries about those acts, for fear of the Nabob's taking umbrage, and getting into a flame with his mother; and for fear the mother, supported by the opinion of the directors, should be induced to resent her wrongs. What, I say, does all this amount to? It amounts to this—the Begums accuse me of doing them injustice; the directors indicate a suspicion that they have been injured; therefore I will not inquire into the matter. Why?—because it may raise disturbances. But what disturbance could it raise?—The mother is disarmed and could not hurt the Nabob. All her landed estates he knew were confiscated. He knew all her money was in his own possession; he knew she had not the means, if she had been disposed, to create intrigues and cabals;—what disturbance then could be created by his sending a letter to know what she had to say upon the subject of her wrongs?

"*If*," says he, "the Begums *think themselves aggrieved*." Observe, my lords, that the institution of an inquiry is no measure of the Begums; it is an order of the court of directors, made by them upon his own representation of his own

case, and upon nothing else. The Begums did not dare to murmur.—They did not dare to ask for redress. God knows the poor creatures were at or about the time his prisoners; robbed—stripped of everything; without hope and without resource.—But the directors, doing their duty upon that occasion, did condemn him upon his own false representations contained in that bundle of affidavits, upon which his counsel now contend that your lordships should acquit him. But, says he, are they to *appeal to a foreign jurisdiction?* When these women were to be robbed, we were not foreigners to them; on the contrary, we adjudged them guilty of rebellion. We sent an English chief justice to collect materials of accusation against them. We sent English officers to take their money. The whole was an English transaction. When wrong is to be done, we have then an interest in the country to justify our acting in it; but when the question is of redressing wrongs, when the question is of doing justice, when the question is of inquiry, when the question is of hearing complaints, then it is a foreign jurisdiction.—You are to suffer Mr. Hastings to make it foreign, or to make it domestic, just as it answers his purposes.—But *they are to appeal against a man standing in the relation of son and grandson to them, and to appeal to the justice of those who have been the abettors and instruments of their imputed wrongs.*

Why, my lords, if he allows that he is the abettor of and the instrument to which the directors impute these wrongs, why, I ask, does he, with those charges lying upon him, object to all inquiry in the manner you have seen?

But the Company's Governor is, it seems, all at once transformed into a great sovereign—the majesty of justice ought to be approached with solicitation. Here, my lords, he forgets at once the court of directors; he forgets the laws of England, he forgets the act of parliament, he forgets that any obedience is due to his superiors. The Begums were to approach him by the orders of the court of directors; he sets at nought these orders, and asserts that he must be approached with solicitations. "*Time,*" says he, "*has obliterated their sufferings.*" Oh! what a balm of oblivion time spreads over the wrongs, wounds, and afflictions of others, in the mind of the person who inflicts those wrongs and oppressions! The oppressor soon forgets. This robbery took place in 17...;

it was in the year 1783, when he asserted that the waters of Lethe had been poured over all their wrongs and oppressions.

Your lordships will mark this insulting language, when he says that both the order of the directors and the application of the Begums for redress must be *solicitations to him.*

[Here Mr. Burke was interrupted by *Mr. Hastings*, who said, "My lords, there was no order. I find a man's patience may be exhausted. I hear so many falsehoods, that I must declare there was no order of the court of directors. Forgive me, my lords. He may say what he pleases; I will not again controvert it. But there is no order; if there is, read it."]

Mr. Burke then proceeded. Judge you, my lords, what the insolence, audacity, and cruelty of this man must have been, from his want of patience in his present situation, and when he dares to hold this language here. Your lordships will reckon with him for it, or the world will reckon with you.

Mr. Hastings here again interrupted Mr. Burke and said, "There was no order for inquiry."

Mr. Burke.—Your lordships have heard the letter read; I mean the letter from the directors, which I read just now. You will judge whether it is an order or not. I did hope within these two days to put an end to this business; but when your lordships hear us charged with direct falsehood at your bar; when you hear this wicked wretch who is before you—

From a lord.—Order, order, order.

Mr. Burke.—Order, my lords, we call for in the name of the Commons. Your lordships have heard us accused at your bar of falsehood, after we had read the order upon which our assertion was founded. This man, whom we have described as the scourge and terror of India,—this man gets up, and charges us, not with a mistake, an error, a wrong construction, but a direct falsehood; and adds, that his patience is worn out with the falsehood he hears. This is not an English court of justice if such a thing is permitted. We beg leave to retire, and take instructions from our constitu-

ents. He ought to be sent to Bridewell for going on in this manner.

[*Mr. Wyndham here read the letter again.*]

Mr. Burke.—With regard to the ravings of this unhappy man, I am sure, if I were only considering what passed from him to the managers in this box, and knowing what allowance is due to a wounded conscience, brought before an awful tribunal, and smarting under the impressions of its own guilt, I would pass them over. But, my lords, we have the honour of the Commons, we have the honour of this court, to sustain. [Your lordships, the other day, for an offence committed against a constable, who was keeping the way under your orders, did very justly, and to the great satisfaction of the public, commit the party to Bridewell, for a much slighter insult against the honour and dignity of your court.] And I leave it therefore for the present, till your lordships can seriously consider what the mode of proceeding in this matter ought to be.—I now proceed.—

We have read to your lordships the orders of the court of directors; I again say we consider them as orders; your lordships are as good judges of the propriety of the term as we are. You have heard them read; you have also heard that the council at Calcutta considered them as orders; for resolutions were moved upon them; and Mr. Stables, in evidence before you here, who was one of the council, so considered them; and yet this man has the frantic audacity in this place to assert that they were not orders, and to declare that he cannot stand the repetition of such abominable falsehoods as are perpetually urged against him. We cannot conceive that your lordships will suffer this, and if you do, I promise you, the Commons will not suffer the justice of the country to be trifled with and insulted in this manner; because, if such conduct be suffered by your lordships, they must say that very disagreeable consequences will ensue, and very disagreeable inferences will be drawn by the public concerning it. You will forgive, and we know how to forgive, the ravings of people smarting under a conscious sense of their guilt. But when we are reading documents given in evidence, and are commenting upon them, the use of this

kind of language really deserves your lordships' consideration. As for us, we regard it no more than we should other noise and brawlings of criminals, who in irons may be led through the streets, raving at the magistrate that has committed them. We consider him as a poor, miserable man, railing at his accusers; it is natural he should fall into all these frantic ravings, but it is not fit or natural that the court should indulge him in them. Your lordships shall now hear in what sense Mr. Wheler and Mr. Stables, two other members of the council, understood this letter.

Mr. Wheler thus writes:—"It always has been, and will be, my wish to perform implicitly the orders of the court of directors, and I trust that the opinion which I shall give upon that part of the court's letter which is now before us will not be taken up against its meaning, as going to a breach of them; the orders at present under the board's consideration are entirely provisional.

"Nothing has passed since the conclusion of the agreement made by the Governor-General with the Vizier at Chunar which induces me to allow the opinion which I before held, as well as from the Governor-General's reports to this board, as the opinions which I have heard of many individuals, totally unconcerned in the subject, that the Begums at Fyzabad did take a hostile part against the Company during the disturbances at Benares; and I am impressed with a conviction that this conduct of the Begums did not proceed entirely from motives of self-defence; but as the court of directors seem to be of a different opinion, and conceive that there ought to be stronger proofs of the defection of the Begums than have been laid before them, I think that before we decide on their orders the late and present resident at the Vizier's court, and the commanding officers in the Vizier's country, ought to be required to collect and lay before the board all the information they can obtain with respect to the defection of the Begums during the troubles in Benares, and their present disposition to the Company."

Mr. Stables, September 9th, 1783, writes thus:—"The court of directors, by their letter of the 14th February, 1783, seem not to be satisfied that the disaffection of the Begums to this government is sufficiently proved by the evidence

before them. I therefore think that the late and present resident, and commanding officers in the Vizier's country at the time, should be called upon to collect what further information they can on the subject, in which the honour and dignity of the government is so materially concerned, and that such information may be immediately transmitted to the court of directors."

When questioned upon this subject at your lordships' bar, he gives this evidence:—"*Q*. What was your motive for proposing that investigation?—*A*. A letter from the court of directors; I conceived it to be ordered by them. *Q*. Did you conceive the letter of the court of directors positively to direct that inquiry?—*A*. I did so certainly at the time, and I beg to refer to the minutes which expressed it. [A question was put to the same witness by a noble lord.] *Q*. The witness has stated, that at the time he has mentioned he conceived the letter from the court of directors to order an inquiry, and that it was upon that opinion that he regulated his conduct, and his proposal for such inquiry; I wish to know whether the expression at the time was merely casual, or am I to understand from it that the witness has altered his opinion of the intention of this letter since that time?—*A*. I certainly retain that opinion, and I wished the inquiry to go on."

My lords, you see that his colleagues so understood it. You see that we so understood it, and still you have heard the prisoner, after charging us with falsehood, insultingly tell us we may go on as we please, we may go on in our own way. If your lordships think that it was not a positive order which Mr. Hastings was bound to obey, you will acquit him of the breach of it. But it is a most singular thing, among all the astonishing circumstances of this case, that this man, who has heard, from the beginning to the end of his trial, breaches of the Company's orders constantly charged upon him,—nay, I will venture to say that there is not a single step that we have taken in this prosecution, or in observations upon evidence, in which we have not charged him with an avowed direct breach of the Company's order—you have heard it ten times this day,—in his defence before the Commons he declares he did intentionally, in naming Mr. Markham, break the Company's orders:—it is singular, I say, that

this man should now pretend to be so sore upon this point. What is it now that makes him break through all the rules of common decency and common propriety, and show all the burnings of guilt, upon being accused of the breach of one of the innumerable orders which he has broken; of which he has avowed the breaking, and attempted to justify himself a thousand times in the Company's books for having broken?

My lords, one of his own body, one of the council, has sworn at your bar what he repeatedly declared to be his sense of it. We consider it as one of the strongest orders that can be given, because the reason of the order is added to it; the directors declaring that, if it should not be found upon inquiry—you see, my lords, it puts the very case—if you do not find such and such things, we shall consider the English honour wounded and stained, and we direct you to make reparation. There are, in fact, two orders contained in this letter, which we take to be equally strong and positive; and we charge him with the breach of both—namely, the order for inquiry, and the conditional order of restoring to the Begums their jaghires, or making satisfaction for them; and in case of any apprehension of reluctance in the Nabob, to bring them for security into the Company's territories. The two last positive orders are preceded by the supposition of an inquiry which was to justify him either in the acts he had done, or to justify him in making restitution. He did neither the one nor the other. We aver that he disobeyed all these orders. And now let his impatience break out again.

Your lordships have seen, amongst the various pretences by which this man has endeavoured to justify his various delinquencies, that of fearing to offend the Nabob, by the restoration of their jaghires to the Begums, is one. Your lordships will form your own judgment of the truth or falsehood of this pretence, when you shall have heard the letter which I shall now read to you, written to Mr. Hastings by the Nabob himself.

Letter from the Nabob Vizier to Mr. Hastings, 25th February, 1782.

"You performed on every occasion towards me whatever was becoming of friendship; I too have done whatever affec-

tion required and you commanded, and in future also, whatever may be your pleasure, there shall be no deviation therefrom, because whatever you direct is altogether for my benefit. The business for which I came to Fyzabad is become settled by your favour; particulars will become known to your wisdom from the writings of Mr. Middleton. I am grateful for your favours. If in these matters you sincerely approve me, communicate it, for it will be a comfort to me. Having appointed my own aumils to the jaghire of the lady mother, I have engaged to pay her cash. She has complied with my views. Her pleasure is, that after receiving an engagement he should deliver up the jaghires. What is your pleasure in this matter? If you command, it will comfort the lady mother giving her back the jaghire after I have obtained my views; or I will have it under my aumil. I am obedient to your pleasure."

Your lordships here see the Begum a suppliant to have her jaghire restored (after entering into some engagement that might have been required of her), and the Nabob, in a tone equally suppliant, expressing his consent, at least, that her request should be complied with, if the command of Mr. Hastings could be procured. My lords, in order to save your lordships' time, and that I might not overload this business, I did not intend to have troubled you with any observations upon this part of it; but the charge of falsehood which the prisoner at your bar has had the audacity to bring against us has induced me to lay it more particularly before you. We have now done with it; but before we retire, your lordships will permit me to recapitulate briefly the substance of what has now been urged respecting his conduct towards these miserable women. We accuse him of reiterated breaches of the orders of the court of directors, both in the letter and spirit of them, and of his contempt of the opinions which his colleagues in office had formed of them. We charge him with the aggravation of these delinquencies, by the oppression and ruin which they brought upon the family of the Nabob, by the infraction of treaties, and by the disrepute which in his person was sustained by the government he represented, and by the stain left upon the justice, honour, and good faith of the English nation. We charge him with their further aggravation, by sundry false pretences alleged

by him in justification of this conduct, the pretended reluctance of the Nabob, the fear of offending him, the suggestion of the Begums having forgotten and forgiven the wrongs they had suffered, and of the danger of reviving their discontent by any attempt to redress them, and by his insolent language, that the majesty of justice, with which he impudently invests himself, was only to be approached with solicitation. We have further stated, that the pretence that he was only concerned in this business as an accessary is equally false; it being on the contrary notorious that the Nabob was the accessary, forced into the service, and a mere instrument in his hands; and that he and Sir Elijah Impey (whose employment in this business we stated as a further aggravation), were the authors and principal agents. And we further contend, that each of these aggravations and pretences is itself, in fact and in its principle, a substantive crime.

Your lordships witnessed the insolence with which this man, stung to the quick by the recital of his crime, interrupted me; and you heard his recrimination of falsehood against us. We again avouch the truth of all and every word we have uttered, and the validity of every proof with which we have supported them. Let his impatience, I say, now again burst forth; he who feels so sensibly everything that touches him, and yet seeks for an act of indemnity for his own atrocities, by endeavouring to make you believe that the wrongs of a desolated family are, within one year, forgotten by them, and buried in oblivion.

I trust, my lords, that both his prosecutors and his judges will evince that patience which the criminal wants. Justice is not to wait to have its majesty approached with solicitation; we see that throne in which resides invisibly, but virtually, the Majesty of England; we see your lordships representing in succession the juridical authority in the highest court in this kingdom; but we do not approach you with solicitation; we make it a petition of right; we claim it; we demand it. The right of seeking redress is not suppliant even before the Majesty of England; it comes boldly forward, and never thinks it offends its sovereign by claiming what is the right of all his people.

We have now done with this business; a business as atrocious as any that is known in the history of mankind; a busi-

ness that has stained, throughout all Asia, the British character, and by which our fame for honour, integrity, and public faith has been forfeited; a business which has introduced us throughout that country, as breakers of faith, destroyers of treaties, plunderers of the weak and unprotected; and has dishonoured, and will for ever dishonour, the British name. Your lordships have had all this in evidence. You have seen in what manner the Nabob, his country, his revenues, his subjects, his mother, his family, his nobility, and all their fortunes, real and personal, have been disposed of by the prisoner at your bar; and having seen this, you will, by the impatience of this criminal, estimate the patience of the unfortunate women into whose injuries he refused to inquire. What he would not do, the Commons have done. They know that you have a feeling different from that which he manifested on this occasion; they do not approach you suppliantly, but demand justice; they insist that as the Commons have done their part, your lordships will perform yours.

We shall next proceed to show your lordships how he acted towards another set of women, the women of the late Sujah Dowlah, and for whom the directors had ordered a maintenance to be secured by an express treaty. You will see that he is cruel towards the weak sex, and to all others, in proportion as they are weak and powerless to resist him.

You will see, I say, when he had usurped the whole government of Oude, and brought it into a servile dependence on himself, how these women fared, and then your lordships will judge whether or not, and in what degree, he is criminal.

[Adjourned.

TRIAL.

THURSDAY, 12TH JUNE, 1794.

SEVENTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—When I had last the honour of addressing your lordships from this place, my observations were principally directed to the unjust confiscation and seizure of the jaghires and treasures of the Begums, without previous accusation or trial, or subsequent inquiry into their conduct, in violation of a treaty made with them and guaranteed by the East India Company;—to the long imprisonment and cruel treatment of their ministers, and to the false pretences and abominable principles by which the prisoner at your bar has attempted to justify his conduct.

The several acts of violence and of oppression were, as we have shown your lordships, committed with circumstances of aggravated atrocity highly disgraceful to the British name and character; and particularly by his forcing the Nabob to become the means and instrument of reducing his mother and grandmother and their families to absolute want and distress.

I have now to call your attention to his treatment of another branch of this miserable family; the women and children of the late Nabob Sujah ul Dowlah. These persons were dependent upon the Begums; and, by the confiscation of their property, and by the ruin of various persons who would otherwise have contributed to their maintenance, were reduced to the last extremity of indigence and want. Being left without the common necessaries of life, they were driven to the necessity of breaking through all those local principles of decorum which constitute the character of the female sex in that part of the world; and, after fruitless supplications and shrieks of famine, they endeavoured to break the enclosure of the palace, and to force their way to the market-

place in order to beg for bread. When they had thus been forced to submit to the extremity of disgrace and degradation, by exposing themselves to public view with the starving children of their late sovereign, the brothers and sisters of the reigning prince, they were, in this attempt, attacked by the sepoys armed with bludgeons, and driven back by blows into the palace.

My lords, we have first laid before you the sufferings and disgraces of women of the first distinction in Asia; protected by their rank—protected by their sex—protected by their near relation to the prince of the country—protected by two guarantees of the representative of the British government in India. We now come to another class of women who suffered by the violent misappropriation of the revenues of the Nabob, by which their regular allowance was taken from them; and your lordships will find that this man's crimes, at every step we take, ripen into guilt; his acts of positive injustice are always aggravated by his conduct with regard to the consequences of them, and form but a small part in the mass of oppression and tyranny which we have brought before you.

My lords, the unjust seizure of the jaghires and treasures of the Begums, out of which those women were maintained, reduced them to a state of indigence, and exposed them not only to the sufferings which belong to the physical nature of man, but also to the indignities which particularly affected their sex and condition. But before I proceed, I will beg leave to restate to your lordships and recall to your memory who these women were. The Nabob Sujah Dowlah had but one legitimate wife; though the Mahomedan law admits of this number's being extended in certain cases even to four—yet it is for the most part held disreputable, especially when a person is married to a woman of the first distinction, to have more than one legitimate wife. Upon looking into the Hedaia, your lordships will see with what extreme rigour fornication is forbidden; but we know that persons of high rank, by customs that supersede both religion and laws, add to the number of their wives, or substitute in their room wives of a subordinate description, and indulge themselves in this license to an unlimited degree; you will find in Chardin's Travels, where he treats of the subject of marriage, that such is the

custom of all the princes of the East. The wives of this subordinate class, though they are in reality no better than concubines, and are subject to the power and caprices of their lords, are yet allowed in the eye of the severest moralists to have some excuse for their frailty and their weakness; and they accordingly always do find a degree of favour in this world, and become the object of particular protection.

We know that Sujah ul Dowlah was a man unquestionably in his manners very licentious with regard to women, that he had a great number of these women in his family; and that his women and the women attendant upon the persons of his favourites had increased to a very great number. We know that his sons amounted to twenty; or according to Mr. Hastings's own account to nineteen. Montesquieu supposes that there are more females born in the East than in the West. But he says this upon no good ground. We know by better and more regular information concerning this matter, that the birth of males and females in that country is in the same proportion as it is here; and therefore if you suppose that he had twenty sons, you may suppose he had about nineteen daughters. By the customs of that country all these sons and daughters were considered as persons of eminent distinction, though inferior to the legitimate children; assuming the rank of their father, without considering the rank which their mother held. All these wives with their children, and all their female servants and attendants, amounting in the whole to about eight hundred persons, were shut up in what they call the Khourd Mhal, or lesser palace. This place is described by one of the witnesses to be about as large as St. James's Square. Your lordships have been told that in other circumstances, as well as this, these women were considered as objects of a great degree of respect, and of the greatest degree of protection. I refer your lordships to the treaty by which their maintenance was guaranteed by the English government.

In order to let your lordships see that I state nothing to you but what is supported not only by general history, which is enough to support an account of general manners, but by the particular and peculiar opinions of a person best informed of the nature of the case, I will refer you to the Nabob himself; for undoubtedly the Nabob of Oude, the Vizier of the

empire, the subadar of the country, was most likely to be the best judge of what respect was due to the women of his father's family. I will therefore read to your lordships, from his own letters, what the Nabob's opinion was upon this subject.

Extract of a letter from the Vizier, received 23rd of August, 1782:—"I never found resource equal to the necessary expenses. Every year by taking from the ministers and selling the articles of my Harkhanna, I with great distress transacted the business; but I could not take care of my dependants, so that some of my brothers, from their difficulties, arose and departed; and the people of the Khourd Mhal of the late Nawab, who are all my mothers, from their distresses are reduced to poverty and involved in difficulties; no man of rank is deficient in the care of his dependants, in proportion to his ability."

Another letter from the Vizier, received the 31st July, 1784:—"My brother, dear as life, Saadit Ali Khân, has requested that I would permit his mother to go and reside with him; my friend, all the mothers of my brothers and the women of the late Nawab, whom I respect as my own mothers, are here, and it is incumbent upon me to support them; accordingly I do it, and it is improper that they should be separated, nor do I approve it. By God's blessing and your kindness, I hope that all the women of the late Nawab may remain here; it is the wish also of my grandmother and my mother that they should."

Your lordships now see in what degree of estimation the Nabob held these women. He regarded the wives of his father as his honorary mothers; he considers their children as his brethren; he thinks it would be highly dishonourable to his government, if one of them was taken out of the sanctuary in which they are placed, and in which, he says, the great of the country are obliged to maintain their dependants. This is the account given by the person best acquainted with the usages of the country, best acquainted with his own duties, best acquainted with his own wishes.

Now, my lords, you will see in what light another person,

the agent of a trading Company, who designates himself under the name of Majesty, and assumes other great distinctions, presumes also to consider these persons; and in what contempt he is pleased to hold what is respected and what is held sacred in that country. What I am now going to quote is from the prisoner's second defence. For I must remind your lordships, that Mr. Hastings has made three defences; one in the House of Commons, another in the lobby of the House of Commons, and a third at your lordships' bar. The second defence, though delivered without name, to the members in the lobby of the House of Commons, has been proved at your lordships' bar to be written by himself. This lobby, this out-of-door, defence militates in some respects, as your lordships will find, with the in-door defence; but it probably contains the real sentiments of Mr. Hastings himself, delivered with a little more freeness when he gets into the open air, like the man who was so vain of some silly plot he had hatched, that he told it to the hackney coachman, and every man he met in the streets.

He says, "Begums are the ladies of an Eastern prince, but these women are also styled the ladies of the late Vizier, and their sufferings are painted in such strong colours, that the unsuspecting reader is led to mix the subjects together, and to suppose that these latter too were princesses of Oude; that all their sufferings proceeded from some act of mine, or had the sanction of my authority or permission. The fact is, that the persons of the Khourd Mahl (or little seraglio) were young creatures, picked up wherever youth and beauty could be found, and mostly purchased from amongst the most necessitous and meanest ranks of the people, for the Nabob's pleasures." In the in-door defence, he says, "The said women, who were mostly persons of low condition, and the said children, if any such there were, lived in the Khourd Mahl, on an establishment entirely distinct from the said Begums."

My lords, you have seen what was the opinion of the Nabob, who ought to know the nature and circumstances of his father's palace, respecting these women; you hear what Mr. Hastings's opinion is: and now the question is, whether your lordships will consider these women in the same light

in which the person does who is most nearly connected with them, and most likely to know them, or in the way in which Mr. Hastings has thought proper within doors and without doors to describe them. Your lordships will be pleased to observe, that he has brought no proof whatever of facts, which are so boldly asserted by him in defiance of proof to the contrary, totally at variance with the letter of the son of the man to whom these women belonged. Your lordships, I say, will remark, that he has produced not one word of evidence, either within the House of Commons or the House of Peers, or in the lobby, or anywhere else, to verify any one word he has said. He slanders these women, in order to lessen that compassion which your lordships might have for the sufferings he inflicted upon them. But admitting that some of these women were of a meaner condition, and that they derived nothing from their connexion with the dignity of the person by whom they had children (and we know that in the whole they amount to about fourscore children, the Nabob having a race like the patriarchs of old, as many great persons in that part of the world still have),—supposing, I say, all this to be true; yet when persons are reduced from ease and affluence to misery and distress, they naturally excite in the mind a greater degree of compassion by comparing the circumstances in which they once stood, with those into which they are fallen; for famine, degradation, and oppression were famine, degradation, and oppression to those persons, even though they were as mean as Mr. Hastings chooses to represent them. But I hope, as you will sympathize with the great on account of their condition, that you will sympathize with all mankind on the ground of the common condition of humanity, which belongs to us all; therefore I hope your lordships will not consider the calumny of Mr. Hastings against those women as any other than as an aggravation of his offence against them. That is the light in which the House of Commons considered it; for they had heard both his in-door and out-door defence, and they still persevered in making the charge, and do persevere in making it still.

We have first stated what these women were; in what light they stood with the Nabob; in what light they stood with the country at large. I have now to state in what light they stood with the British government, previous to this in-

vasion of their rights; and we will prove they were the actual subjects of a guarantee by the Company.

Extract from an agreement made by Mr. Middleton, to all the particulars of which he engages to procure a treaty from the Nabob Azoph ul Dowlah after his arrival, and that he will also sign it, as follows:—

"First, that whenever the Begum shall choose to go to Mecca, she shall be permitted to go."

"Second, that when the Nabob shall arrive, I (Mr. Middleton) will procure suitable allowances to be made to the ladies of the zenana and the children of the late Nabob Sujah ul Dowlah, and take care that they are paid."

"Third, that the festivals (shaddee) and marriages of the children of the late Nabob Sujah ul Dowlah shall be at the disposal of the Begum; whenever she thinks proper she shall marry them; and whatever money shall be necessary for these expenses shall be paid by the Nabob."

"Fourth, that the Syer of Coda Gunge and Ally Gunge shall be retained by the Begum as heretofore."

"Fifth, that I (Mr. Middleton) will, upon the arrival of the Nabob, procure Vizier Gunge and the garden of Sepoy daud Khân, or their equivalent, for the Begum."

"Sixth, that I (Mr. Middleton) will endeavour to obtain from the Nabob the sum of 1,150,000 rupees on account of the purchase of Metchee Bohaun, and the house of Sahebjee, and the fort of the Gossun, with the land and garden and the barraderry on the banks of Goomply, and bazaar and garden of the house of Mahnarain and the house of Beng Peofand at Lucknow; all of which the Nabob Azoph ul Dowlah has assumed possession of."

"Seventh, that I will settle with the Nabob the allowances to be made in ready money to the ladies of the zenana and others specified, in the following amount: Total, 17 lacks, 250 rupees per month."

"Eighth, upon the arrival of the Nabob Azoph ul Dowlah Bahadre, I will endeavour with all my influence to settle the monthly allowances of Mohrum Ally Khân and Mahmud Eltifant Khân, &c., the attendants of the Begums."

"Ninth, that if the Begum shall go to Mecca, she shall leave her mahals and jaghires to the Begum, the mother of

Azoph ul Dowlah, who shall remit the revenues thereof to the Burree Begum; no one shall prevent her enjoying her jaghires."

Now, my lords, we will read the copy of an engagement under the seal of the Nabob Azoph ul Dowlah, and under the seal and signature in English of Mr. Middleton, as follows:

"First, I, who am the Nabob Azoph ul Dowlah Bahadre, do agree, that the jaghires and the ginges and monthly allowance of the officers and servants, and of the ladies of the zenana, and of those specified in the accounts annexed, shall be at the disposal and under the management and authority of the Begum, and no one shall oppose or prevent it; this I will punctually observe. In this agreement Mr. Middleton and the English are engaged."

"Second, whenever the Begum may choose to go to Mecca I will not oppose it."

"Third, whenever the Begum should go to Mecca, she shall leave her lands, jaghires, &c., either in the care of my mother or of me; and I will procure bills for the amount of their revenues, and send them to her: no one shall oppose this."

"Fourth, the Begum shall have authority over all the ladies of her zenana, she shall let them remain with me, and not let them go anywhere without my permission, or keep them with her."

"Fifth, the jaghires Coda Gunge and Ally Gunge, &c., with the mahal and syer belonging to the Begum and made over, shall remain as heretofore in her possession. Total, 14,460 rupees per month."

"Eighth, the Begum has authority over the ladies and attendants of the zenana; neither myself nor any one else will oppose it."

"Ninth, the Begum (my grandmother) shall have the authority in all festivals, and in the marriage of the children of the late Nabob Sujah ul Dowlah, and with the consent of my mother and myself, shall regulate them; excepting in the festivals (shaddee), the authority is mine."

"The English are guarantees to the above engagements, so long as the Begum shall exist."

Your lordships will observe something here worthy of your notice. You will first perceive, that the very treaty in which Mr. Hastings, by his representative, Mr. Middleton, was a party concerned, supposes that the Nabob Sujah ul Dowlah had other children besides the reigning prince by his sole legitimate wife; and yet Mr. Hastings in his defence has thought proper, with a full knowledge of that circumstance, to doubt whether there were any other children. You next see, that these women have Mr. Middleton's (that is, Mr. Hastings's) guarantee for the allowances which are made and settled upon them, and for the maintenance of their attendants, for the security and enjoyment of their own possessions, for their having a law officer of high rank, a moulavre of their own. In short, there is a regular establishment formed for all these women; they are not separated as a part distinct from the Begums; but they are put, by this very guarantee, entirely under their management; the maintenance of the children is secured, the whole order and economy of their establishment is delivered entirely to the Begum the grandmother and the Begum the mother of the Nabob.

My lords, you see that all these arrangements have the solemn guarantee of the Company, and that these women form a very considerable part of that guarantee; and therefore your lordships will not treat their sufferings, inflicted in violation of the Company's own settlement and guarantee, as a matter of no consideration for you. But to proceed—

We have proved to your lordships that the Nabob was reduced to a state of the greatest possible misery and distress; that his whole revenue was sequestered into the hands of Mr. Hastings's agents; and that by the treaty of Chunar he was to be relieved from the expense of a body of troops, with which he had been burdened without his own voluntary consent; nay more, the temporary brigade which Mr. Hastings proposed to take off, but kept on; which he considers not only as a great distress to his finances, but a dreadful scourge and calamity to his country; there was a whole pension list upon it, with such enormous pensions as £18,000 a year to Sir Eyre Coote, and other pensions that Mr. Hastings proposed to take off, but did not. That in proportion as the Nabob's distress increased, Mr. Hastings's demands increased too; he was not satisfied with taking from him for the Company, but

he took from him for himself; he demanded £600,000 as a loan, when he knew he had neither money nor credit.

The consequence of these acts of violence was, that these people, besieged by the English troops, and deprived of every resource, even of the funds of charity, by which the protectors of the family, male and female, might have relieved them, but which the cruel rapacity of Mr. Hastings had either entirely taken away or greatly diminished, were reduced to the last extremity of distress.

After the length of time which has elapsed since we first brought these matters, with their proofs, I shall beg leave, before you go to judgment, to refresh your memory with a recital of a part of that evidence, in order that your lordships may again fully and distinctly comprehend the nature and extent of the oppression, cruelty, and injustice committed by Mr. Hastings, and by which you may estimate the punishment you will inflict upon him.

Letter from Captain Leonard Jaques to Richard Johnson, Esq., Resident at the Vizier's Court; March 6th, 1782.

"Sir,—The women belonging to the Khourd Mahl complain of their being in want of every necessary of life, and are at last drove to that desperation, that they at night get on the top of the zenana, make a great disturbance, and last night not only abused the sentinels posted in the gardens, but threw dirt at them; they threatened to throw themselves from the walls of the zenana, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any direction to give me concerning it. I also beg leave to acquaint you, I sent for Latafflit Ali Khân, the cojah who has the charge of them, who informed me their complaint is well grounded, that they have sold everything they had, even to the clothes from their backs, and now have no means of existing; enclosed, I transmit you a letter from Monatall on the subject."

Letter from Captain Jaques to Richard Johnson, Esq.; March 7th, 1782.

"Sir,—I beg leave to address you again concerning the women in the Khourd Mahl; their behaviour last night was so furious, that there seemed the greatest probability of their

proceeding to the utmost extremities, and that they would either throw themselves from the walls, or force the doors of the zenana. I have made every inquiry concerning the cause of their complaints, and find from Lataffit Ali Khân that they are in a starving condition, having sold all their clothes and necessaries, and now have not wherewithal to support nature; and as my instructions are quite silent upon this head, should be glad to know how to proceed in case they were to force the doors of the zenana; as I suspect it will happen, should no subsistence be very quickly sent to them."

Letter from Major Gilpin to John Bristow, Esq., Resident at the Court of Lucknow; 30th October, 1782.

"Last night, about eight o'clock, the women in the Khourd Mahl zenana, under the charge of Lataffit Ali Khân, assembled on the tops of the buildings, crying in a most lamentable manner for food; that for the last four days they had got but a very scanty allowance, and that yesterday they had got none. The melancholy cries of famine are more easily imagined than described; and from their representations, I fear that the Nabob's agents for that business are very inattentive. I therefore think it requisite to make you acquainted with the circumstance, that his excellency the Nabob may cause his agents to be more circumspect in their conduct to these poor, unhappy women."

Letter from Mr. Bristow to Major Gilpin; Fyzabad, 4th November, 1782.

"Sir,—I have received your letters of the 12th, 19th, 27th, and 30th ultimo. I communicated the contents of that of the 30th to the minister, who promised me to issue orders for the payment of a sum of money to relieve the distress of the Khourd Mahl. I shall also forward a bill for 10,000 rupees to you in the course of three or four days; and if in the mean time you may find means to supply to the amount of that sum, I will become personally responsible to you for the repayment."

Letter from Major Gilpin to John Bristow, Esq., at the Court of Lucknow; Fyzabad, 15th November, 1782.

"Sir,—The repeated cries of the women in the Khourd

Mahl zenana for subsistence have been truly melancholy. They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or be relieved from their misery by immediate death. In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favour of Rammaram at ten days' sight for twenty son Kerah rupees, ten thousand of which I have paid to Cojah Lataflit Ali Khân, under whose charge that zenana is."

These, my lords, are the state of the distresses in the year 1782: and your lordships will see that they continued almost, with only occasional reliefs, during the period of that whole year. Now we enter into the year 1783, to show you that it continued during the whole time, and then I shall make a very few remarks upon it.

I will now read to your lordships a part of Mr Holt's evidence, by which it is proved that Mr Hastings was duly advertised of all these miserable and calamitous circumstances:—*Q.* Whether you saw a letter of intelligence from Fyzabad, containing a relation of the treatment of the women in the Khourd Mahl?—*A.* Yes, I did, and translated it. *Q.* From whom did it come?—*A.* Hoolas Roi. *Q.* Who was he?—*A.* An agent of the resident at Fyzabad, employed for the purpose of transmitting information to the resident. *Q.* Was that paper transmitted to Mr Hastings?—*A.* To the best of my recollection it was transmitted to the board, after I had attested it. *Q.* Do you remember at what distance of time after the receipt of the intelligence respecting the distresses of the Khourd Mahl, that paper was transmitted to Calcutta?—*A.* I cannot say. *Q.* Do you believe it was transmitted within ten months after the time it was received?—*A.* I understood it to be a letter received just before it was transmitted. *Q.* Then you understand it was transmitted as soon as received?—*A.* Yes, in the course of three days. *Q.* Can you bring to your mind the time at which the translation was made?—*A.* To the best of my recollection it was in January, 1784. *Q.* Whether the distresses that had been complained of had ceased for above a twelvemonth before the distresses of the Khourd Mahl?—*A.* I understood they were new distresses. *Q.* Then you state that that

account, transmitted in 1784, was, as you understand, an account of new distresses ?—*A*. Yes."

I shall now refer your lordships to page 899 of your printed minutes :—[The managers for the Commons acquainted the House that they would next read the paper of intelligence which had been authenticated by Mr. Holt, in his evidence at the bar, relative to the miserable situation of these women, which they meant to bring home to Mr. Hastings :]——An extract of a consultation of the 17th February, 1784.—At a council; present, the Honourable Warren Hastings, Esq., Governor-General, President; Edward Wheler and John Stables, Esqrs., Mr. Macpherson absent from the presidency for the benefit of his health: The following letter and its enclosures were received from Mr. Bristow on the 8th instant, and circulated,—"Honourable Sir, and Gentlemen,—I have the honour to forward for your further information the enclosure No. 3; it contains a relation of the hardships endured by the ladies of the late Vizier Zenana."—Signed, John Bristow.

Translation of a Paper of intelligence from Fyzabad.

"The ladies, their attendants, and servants were still as clamorous as last night; Lataffit, the daroga, went to them, and remonstrated with them on the impropriety of their conduct, at the same time assuring them that in a few days all their allowances would be paid, and should that not be the case, he would advance them ten days' subsistence upon condition that they returned to their habitations; none of them however consented to his proposal, but were still intent upon making their escape through the bazaar, and in consequence formed themselves in the following order:—The children in the front, behind them the ladies of the seraglio, and behind them again their attendants; but their intentions were frustrated by the opposition which they met with from Lataffit's sepoys. The next day Lataffit went twice to the women, and used his endeavours to make them return into the zenana, promising to advance them 10,000 rupees, which, upon the money being paid down, they agreed to comply with; but night coming on, nothing transpired.

"On the day following, their clamours were more violent

than usual; Lataffit went to confer with them on the business of yesterday, offering the same terms; depending upon the fidelity of his promises, they consented to return to their apartments, which they accordingly did, except two or three of the ladies, and most of their attendants; Lataffit went then to Hoshmund Ali Khân, to consult with him about what means they should take; they came to a resolution of driving them in by force, and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys accordingly assembled, and each one being provided with a bludgeon, they drove them, by dint of beating, into the zenana. The women, seeing the treachery of Lataffit, proceeded to throw stones and bricks at the sepoys, and again attempted to get out; but finding that impossible from the gates being shut, they kept up a continual discharge till about twelve o'clock, when finding their situation desperate, they returned into the Rung Mahl, and forced their way from thence into the palace, and dispersed themselves about the house and gardens. After this they were desirous of getting into the Begum's apartments, but she, being apprized of their intentions, ordered the doors to be shut. In the mean time Lataffit and Hoshmund Ali Khân posted justices to secure the gates of the lesser Mahl. During the whole of this conflict, the ladies and women remained exposed to the view of the sepoys.

"The Begum then sent for Lataffit and Hoshmund Ali Khân, whom she severely reprimanded, and insisted upon knowing the cause of this infamous behaviour. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had only been conformable to his excellency the Vizier's orders. The Begum alleged that even admitting that the Nabob had given these orders, they were by no means authorized in this manner to disgrace the family of Sujah Dowlah; and should they not receive their allowances for a day or two, it could be of no great moment; what had passed was now at an end; but that the Vizier should certainly be acquainted with the whole of the affair, and that whatever he directed she should implicitly comply with. The Begum then sent for two of the children who were wounded in the affray of last night, and after endeavouring to soothe them, she again sent to Lataffit and Hoshmund

Ali Khân, and in the presence of the children again expressed her disapprobation of their conduct, and the improbability of Azoph ul Dowlah's suffering the ladies and children of Sujah Dowlah to be disgraced by being exposed to the view of the sepoys; upon which Lataffit produced the letter from the Nabob, representing that he was amenable only to the order of his excellency, and that whatever he ordered it was his duty to obey; and that had the ladies thought proper to have retired quietly to their apartments, he would not have used the means he had taken to compel them. The Begum again observed, that what had passed was now over. She then gave the children 400 rupees and dismissed them, and sent word by Sunrud and the other eunuchs, that if the ladies would peaceably retire to their apartments, Lataffit would supply them with 3000 or 4000 rupees for their present expenses, and recommended them not to incur any further disgrace; and that if they did not think proper to act agreeably to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back to the zenana. The next morning the Begum waited upon the mother of Sujah Dowlah, and related to her all the circumstances of the disturbance. The mother of Sujah Dowlah returned for answer, that after there being no accounts kept by crores of revenue, she was not surprised that the family of Sujah Dowlah, in their endeavours to procure subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes and shedding many tears, the Begum took her leave and returned home."

As a proof of the extremity of the distress which reigned in the Khourd Mahl, your lordships have been told that these women must have perished through famine, if their gaolers, Captain Jaques and Major Gilpin, had not raised money upon their own credit, and supplied them with an occasional relief. And therefore when they talk of his peculation, of his taking but a bribe here and a bribe there, see the consequences of his system of peculation, see the consequence of a usurpation which extinguishes the natural authority of the country, see the consequences of a clandestine correspondence that does not let the injuries of the country come regularly before the authorities in Oude, to relieve it; consider the whole mass

of crimes, and then consider the sufferings that have arisen in consequence of it.

My lords, it was not corporal pain alone that these miserable women suffered. The unsatisfied cravings of hunger and the blows of the sepoys' bludgeons could touch only the physical part of their nature. But, my lords, men are made of two parts, the physical part and the moral. The former he has in common with the brute creation. Like theirs, our corporal pains are very limited and temporary. But the sufferings which touch our moral nature have a wider range, and are infinitely more acute, driving the sufferer sometimes to the extremities of despair and distraction. Man, in his moral nature, becomes, in his progress through life, a creature of prejudice—a creature of opinions—a creature of habits, and of sentiments growing out of them. These form our second nature, as inhabitants of the country and members of the society in which Providence has placed us. This sensibility of our moral nature is far more acute in that sex which I may say, without any compliment, forms the better and more virtuous part of mankind, and which is at the same time the least protected from the insults and outrages to which this sensibility exposes them. This is a new source of feelings that often make corporal distress doubly felt; and it has a whole class of distresses of its own. These are the things that have gone to the heart of the Commons.

We have stated first, the sufferings of the Begum, and secondly, the sufferings of the two thousand women, I believe they are not fewer in number, that belong to them, and are dependent upon them, and dependent upon their well-being. We have stated to you that the court of directors were shocked and astonished when they received the account of the first, before they had heard the second. We have proved they desired him to redress the former, if upon inquiry he found that his original suspicions concerning their conduct were ill founded. He has declared here that he did not consider these as orders. Whether they were orders or not, could anything have been more pressing upon all the duties and all the sentiments of men, than at least to do what was just, that is, to make such an inquiry as in the result might justify his acts, or have entitled them to redress? Not one trace of inquiry or redress do we find, except we suppose, as

we hear nothing after this of the famine, that Mr. Bristow, who seems to be a man of humanity, did so effectually interpose, that they should no longer depend for the safety of their honour on the bludgeons of the sepoys, by which alone it seems they were defended from the profane view of the vulgar, and which we must state as a matter of great aggravation in this case.

The counsel on the other side say that all this intelligence comes in an anonymous paper without date, transmitted from a newspaper writer at Fyzabad. This is the contempt with which they treat this serious paper sent to Mr. Hastings himself by official authority; by Hoolas Roi, who was the news-writer at Fyzabad; the person appointed to convey authentic intelligence concerning the state of it to the resident at Lucknow. The resident received it as such; he transmitted it to Mr. Hastings, and it was not till this hour, till the counsel were instructed (God forgive them for obeying such instructions) to treat these things with ridicule, that we have heard this Hoolas Roi called a common news-writer of anonymous information, and the like. If the information had come in any way the least authentic, instead of coming in a manner the most authentic in which it was possible to come to Mr. Hastings—he was bound by every feeling of humanity, every principle of regard to his own honour and his employers', to see whether it was true or false; if false to refute it; if true to afford redress: he has done neither. Therefore we charge him with being the cause; we charge upon him the consequences, with all the aggravations attending them; and we call both upon justice and humanity for redress, as far as it can be afforded to these people, and for the severest punishments which your lordships can inflict upon the author of these evils. If instead of the mass of crimes that we have brought before you, this singly had been charged upon the prisoner, I will say that it is a greater crime than any man has ever been impeached for before the House of Lords, from the first records of parliament to this hour.

I need not remind your lordships of one particular circumstance in this cruel outrage. No excuse or pretence whatever is brought forward in its justification. With respect to the Begums, they have been charged with rebellion; but who has accused the miserable inhabitants of the Khourd Mahl

of rebellion or rebellious designs? What hearsay is there even against them of it?—No; even the persons permitted by Mr. Hastings to rob and destroy the country, and who are stated by him to have been so employed, not one of that legion of locusts which he had sent into the country to eat up and devour the bread of its inhabitants, and who had been the cause both of the famine itself and of the inability of the Begums to struggle with it; none of these people, I say, ventured even a hearsay about these women.

Were the sufferers few? There were eight hundred of them, besides children. Were they persons of any rank and consequence? We are told that they were persons of considerable rank and distinction, connected with and living under the protection of women of the first rank in Asia. Were they persons not deserving pity? We know that they were innocent women and children, not accused, and unsuspected of any crime. He has taken into his head to speak contemptuously of these women of the Khourd Mahl: but your lordships will consider both descriptions generally with some respect; and where they are not objects of the highest respect, they will be objects of your compassion. Your lordships by your avenging justice will rescue the name of the British government from the foulest disgrace which this man has brought upon it.

An account of these transactions, as we have proved by Mr. Holt's evidence, was regularly transmitted and made known to him. But why do I say made known to him?—Do not your lordships know that Oude was his, that he treated it like his private estate, that he managed it in all its concerns as if it were his private demesne; that the Nabob dared not do a single act without him; that he had a resident there nominated by himself, and forced upon the Nabob, in defiance of the Company's order? Yet, notwithstanding all this, we do not find a trace of anything done to relieve the aggravated distresses of these unfortunate people.

These are some of the consequences of that abominable system which, in defiance of the laws of his country, Mr. Hastings established in Oude; he knew everything there; he had spies upon his regular agents, and spies again upon them. We can prove (indeed he has himself proved), that besides his correspondence with his avowed agents, Major

Palmer and Major Davy, he had secret correspondence with a whole host of agents and pensioners, who did and must have informed him of every circumstance of these affairs. But if he had never been informed of it at all, the Commons contend, and very well and justly contend, that he who usurps the government of a country, who extinguishes the authority of its native sovereign, and places in it instruments of his own, and that in defiance of those whose orders he was bound to obey, is responsible for everything that was done in the country. We do charge him with these acts of delinquencies and omissions, we declare him responsible for them; and we call for your lordships' judgment upon these outrages against humanity, as cruel perhaps as ever were suffered in any country.

My lords, if there is a spark of manhood, if there is in your breasts the least feeling of our common humanity, and especially for the sufferings and distresses of that part of human nature which is made by its peculiar constitution more quick and sensible,—if, I say, there is a trace of this in your breasts, if you are yet alive to such feelings, it is impossible that you should not join with the Commons of Great Britain in feeling the utmost degree of indignation against the man who was the guilty cause of this accumulated distress. You see women, whom we have proved to be of respectable rank and condition, exposed to what is held to be the last of indignities in that country, the view of a base, insulting, ridiculing, or perhaps vainly pitying populace. You have before you the first women in Asia, who consider their honour as joined with that of these people, weeping and bewailing the calamities of their house. You have seen, that in this misery and distress the sons of the Nabob were involved, and that two of them were wounded in an attempt to escape; and yet this man has had the impudence to declare his doubts of the Nabob's having had any children in the place; though the account of what was going on had been regularly transmitted to him. After this, what is there in his conduct that we can wonder at?

My lords, the maintenance of these women had been guaranteed by the Company, but it was doubly guaranteed under the great seal of humanity. The conscience of every man, and more especially of the great and powerful, is the

keeper of that great seal, and knows what is due to its authority. For the violation of both these guarantees, without even the vain and frivolous pretence of a rebellion, and for all its consequences, Mr. Hastings is answerable; and he will not escape your justice by those miserable excuses which he has produced to the court of directors, and which he has produced here in his justification. My lords, that justification we leave with your lordships.

We now proceed to another part of our charge, which Mr. Hastings has not thought proper to deny, but upon which we shall beg leave to make a few observations. You will first hear read to you, from the 17th article of our charge, the subject-matter to which we now wish to call your attention.

"That in or about the month of March, 1783, three of the said brothers of the Nabob, namely, Myrza Hyder Ally, Myrza Imay ul Ally, and Myrza Syof Ally, did represent to the said Bristow that they were in distress for dry bread and clothes; and, in consequence of such representation, were relieved by the intervention of the said Bristow; but soon after the deputation of the said Warren Hastings to Oude, in the year 1784, that is to say, some time in or about the month of September, in the said year 1784, the said Myrza Hyder Ally, one of the three princes aforesaid, did fly to the province of Benares, and did remain there in great distress; and that although the said Warren Hastings did write to the said Nabob an account of the aforesaid circumstances, in certain loose, light, and disrespectful expressions concerning the said Myrza Hyder Ally, he did not, as he was in duty bound to do, in anywise exert that influence which he actually and notoriously possessed over the mind of the said Nabob, for the relief of the said prince, the brother of the said Nabob; but without obtaining any satisfactory and specific assurances, either from the said Nabob or the said minister, the said Warren Hastings did content himself with advising the said prince to return to his brother, the said Nabob."

The answer of Mr. Hastings to that part of the seventeenth article states:—"And the said Warren Hastings says,

that in or about the month of July, in the year 1783, a paper was received, enclosed in a letter to the Governor-General and council from Mr. Bristow, purporting to be a translation of a letter from three brothers of the said Vizier, in which they did represent themselves to be in distress for dry bread and clothes; but whether such distress actually existed, and was relieved by the said Bristow, the said Warren Hastings cannot set forth."

"And the said Warren Hastings further says, that some time in the month of September, 1781, the said Warren Hastings, being then at Benares, did receive information that Myrza Hyder Ally was arrived there, and the said Warren Hastings, not knowing before that time that there was any such person, did write to the Nabob Vizier, to the purport or effect following:—'A few days ago I learned that a person called Myrza Hyder Ally was arrived at Benares, and called himself a son of the deceased Nabob Sujah ul Dowlah, and I was also told that he came from Fyzabad; as I did not know whether he left Fyzabad with or without your consent, I therefore did not pay him much attention, and I now trouble you to give me every information on the subject, how he came here, and what your intentions are about him; he remains here in great distress, and I therefore wish to know your sentiments.'"

"And the said Warren Hastings further says, that having received an answer from the said Vizier, he did, on or about the 13th of October, 1781, enclose the same in a letter to the said Myrza, of which letter the following is a copy:—'An answer is arrived to what I wrote on your account to the Nabob Vizier, which I enclose to you; having read it, you will send it back. I conceive you had better go to the Nabob Vizier's presence, who will certainly afford you protection and assistance. I will write what is proper to carry you to the Nabob, and it will in every respect be for your good; whatever may be your intention on this head, you will write to me.'"

"And the said Warren Hastings submits that it was no part of his duty as Governor-General to interfere with the said Vizier on behalf of the said Myrza, or to obtain from the said Vizier any specific assurances on the subject."

Continuation of the seventeenth article of the charge:—"That in order to avoid famine at home, another of the Nabob's brothers, by name Myrza Jungli, was under the necessity of flying from his native country, and did seek protection from a certain Mahomedan lord, called Myrza Shuffu Khân, then prime minister of the Mogul, from whom he did go to the camp of the Mahratta chief Mhadajee Scindia, where he did solicit and obtain a military command, together with a grant of lands or jaghire, for the subsistence of himself, his family, and followers; but, wishing again to be received under the protection of the British government, the said Myrza Jungli, in 1783, did apply to the said resident Bristow, through David Anderson, Esq., then on an embassy in the camp of the said Scindia, and, in consequence of such application, the said Bristow, sensible of the disgrace which the exile of the said Myrza Jungli reflected both on the said Nabob of Oude and the British nation, did negotiate with the Nabob and his ministers for the return of the said Myrza Jungli, and for the settlement and regular payment of some proper allowance for the maintenance of the said Myrza Jungli; but the allowance required was ultimately refused, and, although the whole of the transactions aforesaid were duly represented to the said Warren Hastings by the said Anderson and by the said Bristow and although he had himself received, so early as the 23rd of August, 1782, a letter from the Vizier, grievously complaining of the cruel and extortious demands made upon him by the said Warren Hastings,—in which letter he did expressly mention the flight of his brother, and the distresses of the women of his late father, who he said were all his mothers, and that his said brothers, from the resumption of their jaghires, were reduced to great affliction and distress,—and he did attribute the said flight of some of his brethren, and the distresses of the rest, and of the women who stood in a species of maternal relation to him, as owing to the aforesaid oppressive demands; yet the said Warren Hastings did cruelly, inhumanly, and corruptly decline to make any order for the better provision of any of the said eminent family, or for the return of the said prince, who had fled from his brother's court to avoid the danger of perishing by famine."

Answer of Mr. Hastings to that part of the charge:—"And the said Warren Hastings further says, that he was informed that Myrza Jungli, in the said article also mentioned, did leave his native country in distress, and did go to Myrza Shuffu Khân, in the said article also mentioned; and the said Warren Hastings likewise admits he was informed that the said Myrza Jungli did afterwards leave the said Myrza Shuffu Khân, and repair to the camp of Mhadajee Scindia, with a view of obtaining some establishment for himself and followers."

"And the said Warren Hastings further says, that in certain letters, written by David Anderson, Esq. and John Bristow, Esq., it was represented that the said Myrza Jungli did apply to the said Bristow, through the said Anderson, then on an embassy in the camp of the said Scindia, and that in consequence thereof, the said Bristow did, amongst other things, apply to the Nabob Vizier for a certain allowance to be made to the said Myrza, and for the regular payment thereof, and that a certain allowance was accordingly settled by the said Vizier on the said Myrza; and the said Warren Hastings says, that information of the above transactions was transmitted to the board of council; and that a letter from the said Vizier was received on the 23rd of August, 1782, containing certain representations of the distresses of himself and family; and he admits that no order was made by him, the said Warren Hastings, for the provision of any of the said family, or for the return of the said Myrza; but the said Warren Hastings denies that he was guilty of any cruelty, inhumanity, or corruption, or of any misconduct whatsoever in the matters aforesaid."

Continuation of the charge:—"That some time in or about the month of December, 1783, the Nabob Behadre, another of the brothers of the said Nabob of Oude, did represent to the said Bristow, that he, the said Nabob Behadre, had not received a farthing of his allowance for the current year, and was without food; and being wounded by an assassin, who had also murdered his aunt in the very capital of Oude, the said Nabob Behadre had not a damm to pay the surgeon, who attended him for the love of God alone; that at or about the period of the above representation, the said Bristow

was recalled, and the said Warren Hastings proceeded up to Lucknow, but did not inquire into the said representations transmitted by the said Bristow to Calcutta, nor did order relief."

Mr. Hastings's answer to the part of the charge last read:—"And the said Warren Hastings further says, that on the 29th January, 1784, after the recall of the said Bristow, he, the said Bristow, did transmit to the Governor-General and council two letters, one dated the 28th of December, 1783, the other the 7th January, 1784, purporting to be written by the said Nabob Behadre, addressed to him, the said Bristow, to the effect in the said article stated; and the said Warren Hastings admits, that when at Lucknow he did not institute an inquiry into the supposed transaction in the said seventeenth article stated, or make any order concerning the said Behadre, and he denies that it was his duty so to do." Here is the name of this Nabob from a list of the jaghirdars, stated by Mr. Purling, page 485 printed minutes. Amongst the names of jaghirdars, the times when granted, and the amount of the jaghires, there occurs that of the Nabob Behadre, with a grant of a jaghire of the amount of 20,000 rupees.

[The *Lord Chancellor* here remarked, that what had been just read was matter of the seventeenth article of the charge and parts of the answer to it; and that upon looking back to the former proceedings, it has escaped his attention if any matter contained in the seventeenth article had been made matter of the charge. That it therefore seemed to him that it could not be brought in upon a reply, not having been made matter of the charge originally.]

Mr. Burke. My lords, I have to say to this, that I believe you have heard these facts made matter of charge by the House of Commons, that I conceive they have been admitted by the prisoner; and that the Commons have nothing to do with the proofs of anything in their charge which is fully and in terms admitted. The proofs which they have produced to your lordships were upon matters which were contested; but here the facts are admitted in the fullest manner; we neither have abandoned them, intended to abandon them, nor ever shall abandon them; we have made them, as a

charge, upon record. The answers to them have been recorded, which answers are complete admissions of every fact in the charge.

[*Lord Chancellor.* I do not make myself understood. The objection is not that there has not been evidence given upon the seventeenth article, but at the close of the case on the part of the managers for the House of Commons, no mention having been made of the matter contained in the seventeenth article; that therefore, although it may all have been admitted by the answer to be true, yet in justice, if from that answer you ground the charge, it is necessary the defendant should be heard upon it.]

Mr. Burke. If your lordships choose that the defendant shall be heard upon it, we have no kind of objection, nor ever had, or proposed an objection to the defendant being heard upon it. Your lordships know that the defendant's counsel value themselves upon having abandoned their defence against certain parts of the charge; your lordships know that they declared that they broke off thus in the middle of their defence, in order to expedite this business.

[*Lord Chancellor.* Referring to the proceedings, I think it a matter perfectly clear, that in the course of the charge, after certain articles had been gone through, the managers for the Commons closed the case there, leaving therefore all the other articles, excepting those that had been discussed, as matters standing with the answers against them, but not insisted upon in making out the charge. Of course, therefore, if the defendant had gone into any of those articles, the defendant must have been stopped upon them, because he would then have been making a case in defence to that which had not been made a case in the prosecution; the objection therefore is not at all that no evidence has been examined. To be sure it would be an answer to that to say, you are now proceeding upon an admission; but even upon those facts that are admitted (if the facts are admitted that are insisted upon as matter in charge), that should come in the original state of the cause, and the defendant in common justice must be heard upon that, and then, and then only, come the observations in reply.]

Mr. Burke. We do not know, nor are informed, that any charge, information, or indictment that is before the court,

and upon record, and is not denied by the defendant, does not stand in full force against him. We conceive it to be so; we conceive it to be agreeable to the analogy of all proceedings; and the reason why we did not go into and insist upon it was, that having a very long cause before us, and having the most full and complete admission upon this subject, we did not proceed further in it. The defendant defends himself by averring that *it was not his duty*. It was not our business to prove that it was his duty. It was he that admitted the facts assumed to be the foundation of his duty, the negative he was bound to prove, and he never offered to prove it.

All that I can say upon this point is, that his delinquency in the matter in question appeared to us to be a clear distinct case; to be a great offence; an offence charged upon the record, admitted upon the record, and never by us abandoned As to his defence having been abandoned, we refer your lordships to the last petition laid by him upon your table (that libellous petition, which we speak of as a libel upon the House of Commons), and which has no validity but as it asserts a matter of fact from the petitioner And there you will find that he has declared explicitly, that for the accommodation and ease of this business, and for its expedition, he did abandon his defence at a certain period.

[*Lord Chancellor.* A charge consisting of a variety of articles in their nature (however connected with each other in their subject, but in their nature) distinct and specific, if only certain articles are pressed in the charge, to those articles only can a defence be applied; and all the other articles that are not made matter of charge *originally*, have never, in the course of any proceeding whatever, been taken up *originally* in reply.]

Mr. Burke. With great respect to your lordship's judgment, we conceive that the objection taken from our not having, at a certain period, argued or observed upon the prisoner's answer to the articles not insisted upon is not conclusive, inasmuch as the record still stands, and as our charge still stands. It was never abandoned; and the defendant might have made a justification to it if he had thought fit; he never did think fit so to do. If your lordships think that we ought not to argue upon it here in our

reply, because we did not argue upon it before,—well and good; but we have argued, and do argue in our reply, many things to which he never gave any answer at all. I shall beg leave, if your lordships please, to retire with my fellow-managers for a moment, to consult whether we shall press this point or not. We shall not detain your lordships many minutes.

The Managers withdrew:—in a few minutes the Managers returned again into the Hall.

Mr. Burke. My lords, the managers have consulted among themselves upon this business; they first referred to your printed proceedings, in order to see the particular circumstance on which the observation of your lordship is founded;—we find it thus stated: —"Then the managers for the Commons informed the Lords, that, saving to themselves their undoubted rights and privileges, the Commons were content to rest their charge here."—We rested our charge there, not because we meant to efface any precedent matter of the charge which had been made by us, and of which the facts had been admitted by the defendant, but simply saving our rights and privileges; that is, to resume (and to make new matter if we thought fit), the Commons were content to rest the charge there.

I have further to remark to your lordships, that the counsel for the defendant have opened a vast variety of matter that is not upon record, either on our part or on theirs, in order to illustrate and to support their cause; and they have spoken day after day upon the principles on which their defence was made; my great object now is an examination of those principles, and to illustrate the effects of these principles by examples which are not the less cogent, the less weighty, and the less known, because they are articles in this charge. Most assuredly they are not. If your lordships recollect the speeches that were made here, you know that great merit was given to Mr. Hastings for matters that were not at all in the charge, and which would put us under the greatest difficulties, if we were to take no notice of them in our reply. For instance, his merits in the Mahratta war, and a great mass of matter upon that subject, were obliquely and for other purposes brought before you, upon which they argued. That

immense mass of matter, containing an immense mass of principles, and which was sometimes supported by alleged facts, sometimes by none, they have opened and argued upon, as matter relative to principle. In answer to their argument, we propose to show the mischiefs that have happened from the mischievous principles laid down by Mr. Hastings, and the mischievous consequences of them.

If, however, after this explanation, your lordships are of opinion that we ought not to be allowed to take this course, wishing to fall in with your lordships' sentiments, we shall abandon it. But we will remind your lordships that such things stand upon your records; that they stand unanswered, and admitted on your records; and consequently they cannot be destroyed by any act of ours, but by a renunciation of the charge, which renunciation we cannot make, because the defendant has clearly and fully admitted it to be founded in fact. We cannot plead error; we cannot retract it. And why? Because he has admitted it. We therefore only remind your lordships that the charge stands uncontradicted; and that the observation we intended to make upon it was to show your lordships that the principles upon which he defends all such conduct are totally false and groundless. But though your lordships should be of opinion that we cannot press it, yet we cannot abandon it; it is not in your power—it is not in our power—it is not in his power, to abandon that charge. You cannot acquit him of that charge, it is impossible. If, however, your lordships, for the accommodation of business, method of proceedings, or any circumstance of that kind, wish we should say no more upon the subject, we close the subject there. Your lordships are in possession both of the charge and the admission; and we wish, and we cannot wish better than to leave it as it is upon the record.

The *Lord Chancellor* here said, The opinion of the Lords can only be with me matter of conjecture. I certainly was not commanded by the House to state the observation that had occurred to me;—but in the position in which it now stands, I feel no difficulty in saying, as my own judgment, that nothing can be matter in reply that does not relate to those articles that were pressed in the original charge; and therefore, in this position of the business of reply, you cannot

go into new matter arising out of other articles that were not originally insisted upon.

Mr. Burke. We were aware of the objection that might be made to admitting our observations, if considered as observations upon the seventeenth article, but not when considered with reference to facts on the record before you, for the purpose of disproving the principles upon which the defendant and his counsel had relied, that was the purpose for which we proposed chiefly to make them; but your lordship's [the Lord Chancellor's] own personal authority will have great weight with us, and unless we perceive some other peer differ from you, we will take it in the course we have constantly done; we never have sent your lordships out of the hall to consent upon a matter upon which the noble lord appeared to have formed a decision in his own mind; we take for granted that what is delivered from the woolsack, to which no peer expresses a dissent, is the sense of the House, as such we take it, and as such we submit to it in this instance.

Therefore leaving this upon the record as it stands, without observing upon it, and submitting to your lordships' decision, that we cannot, according to order, observe in reply upon what was not declared by us to be a part of the charges we meant to insist upon, we proceed to another business.

We have already stated to your lordships, and we beg to remind you of it, the state and condition of the country of Oude when Mr. Hastings first came to it, his subsequent and immediate usurpation of all the powers of government, and the use he made of them; the tyranny he exercised over the Nabob himself, the tyranny he exercised upon his mother and grandmother, and all the other females of his family and their dependants of every description, to the number of about eight hundred persons; the tyranny exercised (though we are not at liberty to press it now) upon his brethren. We have shown you how he confiscated the property of all the jaghirdars, the nobility of the country; we have proved to your lordships that he was well acquainted with all the misery and distress occasioned by these proceedings, and that he afforded the sufferers no relief. We now proceed to review the effects of this general mass of usurpation, tyranny, and oppression, upon the revenues and the prosperity of the country.

Your lordships will first be pleased to advert to the state in which Mr. Hastings found the country;—in what state he found its revenues;—who were the executive ministers of the government; what their conduct was, and by whom they were recommended and supported. For the evidence of these facts, we refer your lordships to your printed minutes—there, my lords, they stand recorded; they never can be expunged out of your record, and the memory of mankind, whether we be permitted to press them at this time upon your lordships or not. Your lordships will there find in what manner the government was carried on in Oude, in 1775, before the period of Mr. Hastings's usurpation; Mr. Hastings, you will find, has himself there stated that the minister was recommended by the Begums; and you will remark this, because Mr. Hastings afterwards makes her interference in the government of her son a part of his crimination of the Begums.

The resident at the court of Oude thus writes on the 2nd of March, 1775:—"Notwithstanding the confidence the Nabob reposes in Murteza Khân, the Begums are much dissatisfied with his elevation. They recommended to his excellency to encourage the old servants of the government, whose influence in the country, and experience, might have strengthened his own authority, and seated him firmly on the Musnud; in some measure this too may appear consistent with the interest of the Company, for as Elija Khân and the old ministers have, by frequent instances within their own knowledge, experienced the power of our government, such men I should conceive are much more likely to pay deference to the Company, than a person who at present can have but a very imperfect idea of the degree of attention which ought to be paid to our connexion with the Nabob." Your lordships see that the Begums recommended the old servants, contrary to the maxims of Rehoboam,—those who had served his father and had served the country, and who were strongly inclined to support the English interest there. Your lordships will remark the effects of the Begum's influence upon the state of things in 1775, that the Nabob had been advised by his mother to employ the confidential servants of his father; persons conversant in the affairs of the country, per-

sons interested in it, and persons who were well disposed to support the English connexion. Your lordships will now attend to a letter from Mr. Bristow, at Lucknow, to the board, dated 28th November, 1775:—"I also neglected no part of my duty on the spot; but advised the minister, even at Lucknow, according to my letter of the third instant, to recommend it to the Nabob to dismiss his useless and mutinous troops, which measure seems, by present appearances, to have succeeded beyond expectation, as the rest of the army do now pay the greatest attention to his excellency's orders: already the complaints of the violences the troops used to commit are greatly decreased; they profess obedience, and by the best intelligence I can obtain of their disposition, there seems to be little doubt that the examples made by disbanding Bussunt's corps has every good effect we could wish, which had crossed the river and voluntarily surrendered their arms the day before yesterday to the Nabob."

His next letter is dated 13th June, 1776:—"Honourable Sir and Sirs,—It is Elija Khân's first object to regulate the Vizier's revenue; and I must do him the justice to say, that the short time he has been in office he has been indefatigable, and already settled the greater part of the province of Oude, and fixed on the districts for the assignments of the army subsidy. Corah and Allahabad he has disposed of, and called for the Dooab and Rohilcund accounts, in order to adjust them as soon as possible This activity will, I hope, produce the most salutary effects at the present juncture, being the commencement of the season for the cultivation. The aumils, by being thus early placed in their offices, have the opportunity of advancing tuckovy, encouraging the ryots, and making their agreements in their several districts, in letting under farms, or disposing of the lands in such a manner as they may judge most expedient. If, though similar to the late minister's conduct, a delay of two or three months should occur in the settlement of the lands, the people throughout the country would be disheartened, and inevitably a very heavy balance accrue on the revenue. I have troubled the honourable board with this detail, in the first place, to show the propriety of Elija Khân's conduct; and in the next, the essential service that will be rendered to the

Vizier by continuing Colonel Parker's detachment during the whole rains in Corah, if required by the Vizier."

My lords, you have now had a view of the state of Oude previous to the first period of our connexion with it. Your lordships have seen and understand that part of the middle period, with which we do not mean to trouble you again You will now be pleased to attend to a letter from Fyzoola Khân to the Governor-General, received the 13th of February, 1778.—"This country of Cuttah, which formerly depended on the Rohilla states, and which I consider as now appertaining to the Company, was very populous and flourishing, but since the commencement of the Nabob Vizier's government, the farmers appointed by his ministers have desolated the country. Its situation is at present very ruinous; thousands of villages, formerly populous, are now utterly deserted, and no trace left of them. I have already written to Roy Buckstowr Sing a full account of the tyranny and oppression exercised by the farmers, to be communicated to you; the constant revenue of a country depends on the care of its rulers to preserve it in a flourishing state. I have been induced to make the representation by my attachment to the interest of the Company, for otherwise it is no concern of mine. Should these oppressions continue one or two years longer, and the rulers take no measures to put a stop to them, the whole country will be a desert."

My lords, upon these statements I have only to make this remark, that you have seen the first state of this country, and that the period when it had fallen into the state last described, was about two years after Mr. Hastings had obtained the majority in the council, and began to govern this country by his lieutenants. We know that the country was put by him under military collectors; you see the consequences. The person who makes this representation to Mr. Hastings of the state of the country, of its distress and calamity, and of the desolation of a thousand of the villages formerly flourishing in it, is no less a person than a prince of a neighbouring country, a person of whom you have often heard, and to whom the cause of humanity is much indebted,

namely, Fyzoola Khân; a prince whose country the English resident, travelling through, declares to be cultivated like a garden. That this was the state of the Rohilla country is owing to its having very fortunately been one of those that escaped the dominion of Mr. Hastings.

We will now read to your lordships a letter from Sir Eyre Coote to the board at Calcutta, dated the 11th of September, 1779:—"Honourable Sir and Sirs,—The day before yesterday I encamped near Allahabad, where the Vizier did me the honour of a visit; and yesterday morning, in my way hither, I returned it, and was received by his excellency with every mark of respect and distinction. This morning he called here, and we had some general conversation, which principally turned upon the subject of his attachment to the English, and his readiness to show the sincerity of it upon all occasions. It is to be wished we had employed the influence which such favourable sentiments must have given us more to the benefit of the country and ourselves; but I fear the distresses which evidently appear on the face of the one, and the failure of the revenues to the other, are not to be wholly ascribed to the Vizier's mismanagement."—This is the testimony of Mr. Hastings's own pensioner, Sir Eyre Coote, respecting the known state of the country during the time of this horrible usurpation, which Sir Eyre Coote mentions under the soft name of our influence. But there could be but one voice upon the subject, and that your lordships shall now hear from Mr. Hastings himself. We refer your lordships to the minute of the Governor-General's consultation, Fort William, 21st May, 1781.—He is here giving his reasons for going into the upper provinces.

"The province of Oude having fallen into a state of great disorder and confusion, its resources being in an extraordinary degree diminished, and the Nabob, Azoph ul Dowlah, having earnestly entreated the presence of the Governor-General, and declared that, unless some effectual measures are taken for his relief, he must be under the necessity of leaving his country and coming down to Calcutta, to present his situation to this government;—the Governor-General therefore proposes, with the concurrence of Mr. Wheler, to visit the

province of Oude, as speedily as the affairs of the presidency will admit, in hopes that from a minute and personal observation of the circumstances of that country, the system of management which has been adopted, and the characters and conduct of the persons employed, he may possibly be able to concert and establish some plan by which the province of Oude may in time be restored to its former state of affluence, good order, and prosperity."

Your lordships have now the whole chain of the evidence complete, with regard to the state of the country up to the period of Mr. Hastings's journey into the country. You see that Mr. Hastings himself admits it to have been formerly in a most flourishing, orderly, and prosperous state. Its condition in 1781 he describes to you in words, than which no enemy of his can use stronger, in order to paint the state in which it then was. In this state he found it when he went up in the year 1781, and he left it, with regard to any substantial regulation that was executed or could be executed, in the state in which he found it; after having increased every one of those grievances which he pretended to redress, and taken from it all the little resources that remained in it.

We now come to a subsequent period, at which time the state of the country is thus described by Mr. Bristow on the 12th December, 1782:—"Despotism is the principle upon which every measure is founded, and the people in the interior parts of the country are ruled at the discretion of the aumil or fouzdar for the time being, they exercise, within the limits of their jurisdiction, the powers of life and death, and decisions in civil and other cases, in the same extent as the sovereign at the capital. The forms presented by the ancient institutions of the Mogul empire are unattended to, and the will of the provincial magistrate is the sole law of the people; the total relaxation of the Vizier's authority, his inattention and dislike to business, leave the aumils in possession of this dangerous power, unawed and uncontrolled by any opposition or retrospection or the interference of justice. I can hardly quote an instance, since the Vizier's accession to the musnud, of an aumil having been punished for oppression, though the complaints of the people and the state of the country are notorious proofs of the violences daily

committed; it is even become unsafe for travellers to pass, except in large bodies--murders, thefts, and other enormities shocking to humanity, are committed in open day."

In another paragraph of the same letter, he says, "Such has been the system of this government that the oppressions have generally originated with the aumils; they have been rarely selected for their abilities or integrity, but from favour, or the means to advance a large sum. Upon being appointed to their office, the aumil enters upon his trust ruined in reputation and fortune, and unless he accomplishes his engagements, which is seldom the case, disgrace and punishment follow; and though the balance of revenue may be vigorously demanded of him, it has not been usual to institute any inquiry for oppression. The zemindars, thus left at the mercy of the aumils, are often driven to rebellion - the weak are obliged to submit to his exactions or fly the country, and the aumil, unable to reduce the more powerful, is compelled to enter into a disgraceful compromise; every zemindar looks to his fort for protection, and the country is crowded with them; Almas Ali Khân has not less than seven hundred in his districts. Thus it has become a general custom to seize the brother, son, or some near relation or dependant of the different zemindars, as hostages for the security of the revenue; a great aumil will sometimes have three or four hundred of these hostages, whom he is obliged to confine in places of security—a few men like Almas Ali Khân and Coja Din ul Dun have, from their regularity in performance of pecuniary engagements, rendered themselves useful to the Vizier. A strict scrutiny into his affairs was at all times irksome to his excellency, and none of his ministers or officers about his person possessing the active persevering spirit requisite to conduct the detail of engagements for a number of small farms, it became convenient to receive a large sum from a great farmer without trouble or deficiency. This system was followed by the most pernicious consequences; these men were above all control, they exacted their own terms, and the districts they farmed were most cruelly oppressed; the revenue of Rohilcund is reduced above a third, and Almas Ali Khân's administration is well known to have been extremely violent."

We will next read to your lordships an extract from Captain Edwards's evidence:—"*Q.* Had you any opportunity of observing the general face of the country in the time of Sujah Dowlah?—*A.* I had. *Q.* Did you remark any difference in the general state of the country at that time, and the period when you made your latter observation; did you observe any difference between the condition of the country at that time and that of Sujah Dowlah in the year 1774, the latter period you have mentioned?—*A.* I did; a very material difference. *Q.* In what respect?—*A.* In the general aspect that the country bore and the cultivation of the country, that it was infinitely better cultivated in 1774 than it was in 1783. *Q.* You said you had no opportunity of observing the face of the country till you was appointed aid-de-camp to the Nabob?—*A.* No; except by marching and countermarching; I marched in the year 1774 through the Nabob Sujah ul Dowlah's provinces into Rohilcund. *Q.* Had you those opportunities from the time of your going there in 1774?—*A.* I had; but not so much as I had after being appointed aid-de-camp to the Vizier, because I was always before in a subordinate situation. I marched in a direct line before, with the troops; but afterwards, when I was aid-de-camp to his excellency, I was my own master, and made frequent excursions into the different parts of the country. *Q.* Had you an opportunity of observing the difference in the general happiness and disposition of the people?—*A.* I had. *Q.* Did you observe a difference in that respect also, between your first coming and the year 1783?—*A.* Yes, a very sensible difference; in Sujah ul Dowlah's time the country was in a very flourishing state in merchandise, cultivation, and every article of commerce, and the people then seemed to be very happy under his government, which latterly was not the case, because the country in reality appeared in the year 1774 in a flourishing state, and in the year 1783 it appeared comparatively forlorn and desolate. *Q.* Was the court of Azoph ul Dowlah, when you left India, equal in point of splendour to what it was in the time of Sujah ul Dowlah?—*A.* By no means; it was not equally splendid, but far inferior. *Q.* Were the dependants and officers belonging to the court paid in the same punctual manner?—*A.* No; I really cannot

say whether they were paid more regularly in Sujah Dowlah's time, only they appeared more wealthy, and more able to live in a splendid style, in his time than they ever have done since his death."

Here then your lordships see the state of the country in 1783. Your lordships may trace the whole progress of these evils step by step from the death of Sujah ul Dowlah to the time of Mr. Hastings's obtaining a majority in the council; after which he possessed the sole and uncontrolled management of the country; you have seen also the consequences that immediately followed till the year 1781, when he went up a second time into the country.

I do not know, my lords, that it is necessary to make any observation upon this state of things. You see that the native authority was, as we have proved, utterly extinguished by Mr. Hastings—and that there was no superintendent power but his. You have heard of the oppressions of the farmers of the revenues— and we have shown you that these farmers generally were English officers. We have shown you in what manner Colonel Hannay, one of these farmers sent by Mr. Hastings, acted, and particularly the accumulation of hostages which were made by him. We have shown you that by their arbitrary and tyrannical proceedings all regular government was subverted, and that the country experienced the last and most dreadful effects of anarchy. We have shown you that no other security was left to any human being, but to intrench themselves in such forts as they could make, and that these forts, in one district only of the country, had increased in number to the amount of seven hundred. Your lordships also know, that when the prisons and mud forts in which Colonel Hannay kept his hostages confined were full, he kept them in uncovered cages in the open air. You know that all these farmers of revenue were either English and military men, or natives under an abject submission to them; you know that they had the whole country in assignments; that the jaghires were all confiscated for their benefits; and you find that the whole system had its origin at the time when Mr. Hastings alone formed in effect the authority of the supreme council. The weakness of the Nabob, as Sir Eyre Coote tells you, could not have been alone

the cause of these evils, and that our influence over him, if not actually the cause of the utter ruin, desolation, and anarchy of that country, might have been successfully exerted in preventing.

When your lordships shall proceed to judgment upon these accumulated wrongs, arising out of the usurped power of the prisoner at your bar, and redressed by him in no one instance whatever, let not the usurpation itself of the Nabob's power be considered as a trivial matter. When any prince at the head of a great country is entirely stripped of everything in his government, civil or military, by which his rank may be distinguished or his virtues exercised, he is in danger of becoming a mere animal, and of abandoning himself wholly to sensual gratifications. Feeling no personal interest in the institutions or in the general welfare of the country, he suffers the (former and many wise and laudable institutions existed in the provinces of the Nabob, for their good order and government) to fall into disuse; and he leaves the country itself to persons in inferior situations, to be wasted and destroyed by them. You find that in Oude the very appearance of justice had been banished out of it, and that every aumil exercised an arbitrary power over the lives and fortunes of the people. My lords, we have the proofs of all these facts in our hands; they are in your lordships' minutes; and though we can state nothing stronger than is stated in the papers themselves, yet we do not so far forget our duty as not to point out to your lordships such observations as arise out of them.

To close the whole, your lordships shall now hear read an extract from a most curious and extraordinary letter, sent by him to the court of directors, preparatory to his return to England.—"My only remaining fear is that the members of the council, seeing affairs through a different medium from that through which I view them, may be disposed, if not to counteract the system which I have formed, to withhold from it their countenance and active support; while I myself remain, it will be sufficient if they permit it to operate without interruption, and I almost hope, in the event of a new administration of your affairs, which shall confine itself to the same forbearance, and manifest no symptoms of intended interference, the objects of my arrangements will be effectually

attained; for I leave them in the charge of agents whose interests, ambition, and every prospect of life are interwoven with their success, and the hand of heaven has visibly blest the soil with every elementary source of progressive vegetation. But if a different policy shall be adopted, if new agents are sent into the country and armed with authority for the purpose of vengeance or corruption, to no other will they be applied. If new demands are raised on the Nabob Vizier, and accounts overcharged on one side with a wide latitude taken on the other to swell his debt beyond the means of payment; if political dangers are portended to ground on them the pleas of burthening his country with unnecessary defences and enormous subsidies; or if even abstaining from direct encroachment on the Nabob's rights, your government shall show but a degree of personal kindness to the partisans of the late usurpation, or by any constructive indication of partiality and disaffection, furnish ground for the expectation of an approaching change of system, I am sorry to say that all my labours will prove abortive. For the slightest causes will be sufficient to deject minds sore with the remembrance of past conflicts, and to elevate those whose only dependence is placed in the renewal of the confusion which I have laboured with such zeal to eradicate, and will of course debilitate the authority which can alone insure future success. I almost fear that this denunciation of effects from causes so incompetent, as they will appear to those who have not had the experience which I have had of the quick sensibility which influences the habits of men placed in a state of policy so loose, and subject to the continual variations of capricious and despotic authority, will be deemed overcharged, or perhaps void of foundation; nor, if they should come to pass, will it be easy to trace them with any positive evidence to their connexion; yet it is my duty to apprize you of what I apprehend, on grounds which I deem of absolute certainty, may come to pass; and I rely on your candour for a fair interpretation of my intention." Here, my lords, the prisoner at your bar has done exactly what his bitterest accuser would do—he goes through, head by head, every one of the measures which he had himself pursued in the destruction of the country; and he foretells that, if any one of those measures should again be pur-

sued, or even if good cause should be given to suspect they would be renewed, the country must fall into a state of inevitable destruction. This supersedes all observation. This paper is a recapitulated, minute condemnation of every step which he took in that country, and which steps are every one of them upon your lordships' minutes.

But, my lords, we know very well the design of these pretended apprehensions, and why he wished to have that country left in the state he speaks of. He had left a secret agent of his own to control that ostensible government, and to enable him, sitting in the place where he now sits, to continue to govern those provinces in the way in which he now governs them. [A murmur having arisen here, Mr. Burke proceeded.] If I am called upon to re-word what I have just said, I shall repeat my words, and show strong grounds and reasons to indicate that he governs Oude now as much as he ever did.

You see, my lords, that the reform which he pretended to make in 1781 produced the calamities which he states to have existed in 1784. We shall now show, that the reform which he pretended to make in 1784 brought on the calamities which Lord Cornwallis states in his evidence to have existed in 1787.

We will now read two letters from Lord Cornwallis; the first is dated the 16th November, 1787:—"I was received at Allahabad and attended to Lucknow by the Nabob and his ministers, with every mark of friendship and respect; I cannot, however, express how much I was concerned during my short residence at his capital, and my progress through his dominions, to be witness of the disordered state of his finances and government, and of the desolate appearances of his country; the evils were too alarming to admit of palliation, and I thought it my duty to exhort him, in the most friendly manner, to endeavour to apply effectual remedies to them. He began with urging as apology that, whilst he was not certain of the expense of our demands upon him, he had no real interest in being economical in his expenses, and that while we interfered in the internal management of his affairs, his own authority and that of his ministers were despised by his own subjects. It would have been useless to discuss these topics with him; but while I repeated my former declarations of our being determined to give no ground in future for similar

complaints, he gave me the strongest assurances of his being resolved to apply himself earnestly to the encouragement of agriculture, and to endeavour to revive the commerce of his country."

The second is dated the 25th April, 1788:—"Till I saw the Vizier's troops, I was not without hope, that upon an emergency he would have been able to have furnished us with some useful cavalry; but I have no reason to believe that he has any in his service upon which it would be prudent to place any dependence; and I think it right to add, that his country appears to be in so ruined a state, and his finances in so much disorder, that even in case of war we ought not to depend upon any material support from him."

My lords, I have only to remark upon these letters that, so far as they go, they prove the effects of Mr. Hastings's reformation, from which he was pleased to promise the Company such great things. But when your lordships know that he had left his dependant and minister, Hyder Beg Khân, there, whose character, as your lordships will find by a reference to your minutes, he has represented as black as hell, to be the real governor there, and to carry on private correspondence with him here,—and that he had left Major Palmer, his private agent, for a considerable time in that country to carry on his affairs,—your lordships will easily see how it has come to pass that the Vizier, such a man as you have heard him described to be, was not alone able to restore prosperity to his country. My lords, you have now seen what was the situation of the country in Sujah Dowlah's time, prior to Mr. Hastings's interference with the government of it; what it was during his government; and what situation it was in when Lord Cornwallis left it. Nothing now remains but to call your lordships' attention to perhaps the most extraordinary part of these transactions. But before we proceed we will beg leave to go back and read to your lordships the Nabob's letters of the 24th February, 1780:—"I have received your letter, and understand the contents. I cannot describe the solidity of your friendship and brotherly affection which subsisted between you and my late father; from the friendship of the Company he received numberless advantages; and

I, notwithstanding I was left an orphan, from your favour and that of the Company was perfectly at ease, being satisfied that everything would be well, and that I should continue in the same security that I was during my father's lifetime, from your protection. I accordingly, from the day of his death, have never omitted to cultivate your favour and the protection of the Company; and whatever was the desire and directions of the council at that time, I have ever since conformed to and obeyed with readiness. Thanks be given to God, that I have never as yet been backward in performing the will of the English Company, of the council, and of you; and have always been from my heart ready to obey them, and have never given you any trouble, from my difficulties or wishes. Thus I have done simply from my knowledge of your favour towards me, and from my being certain that you would learn the particulars of my distresses and difficulties from other quarters, and would then show your friendship and good-will in whatever was for my advantage. But when the knife had penetrated to the bone, and I was surrounded with such heavy distresses that I could no longer live in expectations, I then wrote an account of my difficulties; the answer which I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the council, that you would ever have given your orders in so afflicting a manner, in which you never before wrote, and which I could not have imagined. As I am resolved to obey the orders and directions of the council, without any delay, as long as I live, I have, agreeably to those orders, delivered up all my private papers to him, that when he shall have examined my receipts and expenses, he may take whatever remains. As I know it to be my duty to satisfy you, the Company, and council, I have not failed to obey in any instance, but requested of him that it might be done so as not to distress me in my necessary expenses, there being no other fund but those for the expenses of mutseddies, household expenses, and servants, &c. He demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped the pensions of my old servants of thirty years, whether sepoys, mutseddies, or household servants; and the expenses of my family and kitchen, to-

gether with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support. I had raised one thousand five hundred horse, and three battalions of sepoys to attend upon me; but as I have no resources to support them, I have been obliged to remove the people stationed in the mahals, and to send his people into the mahals, so that I have not now one single servant about me. Should I mention what further difficulties I have been reduced to, it would lay me open to contempt; although I have willingly assented to this which brings such distress on me, and have in a manner altogether ruined myself; yet I failed not to do it for this reason, because it was for your satisfaction and that of the council; and I am patient, and even thankful in this condition; but I cannot imagine for what cause you have conceived displeasure against me, from the commencement of my administration. In every circumstance I received strength and security from your favour and that of the council, and in every instance you and the council have shown your friendship and affection for me; but at present, that you have sent these orders, I am greatly perplexed."

We will not trouble your lordships with the remainder of the letter, which is all in the same style of distress and affliction; and of the abject dependence of a man who considers himself as insulted, robbed, and ruined in that state of dependence.

In addition to the evidence contained in this letter, your lordships will be pleased to recollect the Nabob's letter which we read to your lordships yesterday, the humble and abject style of which you will never forget. Oh! consider, my lords, this instance of the fate of human greatness! You must remember, that there is not a trace anywhere in any of the various trunks of Mr. Hastings, that he ever condescended so much as to give an answer to the suppliant letters of that unhappy man. There was no mode of indignity with which he did not treat his family—there was no mode of indignity with which he did not treat his person—there was no mode of indignity with which he did not treat his minister, Hyder Beg Khân,—this man whom he represents to be the most infamous and scandalous of mankind, and

of whom he nevertheless, at the same time, declares, that his only support with the Vizier was the support which he, Warren Hastings, as representative of the English government, gave him.

We will now read a paper which, perhaps, ought not to have been received in evidence; but which we were willing to enter in your minutes as evidence, in order that everything should come before you. Your lordships have heard the Nabob speak of his misery, distress, and oppression; but here he makes a complete defeasance, as it were, of the whole charge, a direct disavowal of every one of the complaints, and particularly that of having never received an answer to these complaints. Oh! think, I say, my lords, of the degraded, miserable, and unhappy state to which human nature may be reduced, when you hear this unhappy man declare that all the charges which we have made upon this subject relative to him, and which are all either admitted by him or taken from his own representation, are now stated by him in a paper before you to be all false, and that there is not a word of the representation which he had made of Mr. Hastings that has the least truth in it. Your lordships will find this in that collection of various papers, which ought to be preserved and put into every museum in Europe, as one of the most extraordinary productions that was ever exhibited to the world.

Papers received the 8th of March, 1788, and translated pursuant to an order of the Governor-General in council, dated the 27th of April, 1788, under the seal of his excellency the Nawaub Azoph ul Dowlah, Azoph Jeh Behodar, Vizier ul Momilek:—"I have at this time learnt that the gentlemen in power in England, upon the suspicion that Mr. Hastings, during his administration, acted contrary to the rules of justice and impartiality, and, actuated by motives of avidity, was inimical towards men without cause; that he broke such engagements and treaties as had been made between the Company and other chiefs; that he extended the hand of oppression over the properties of men; tore up the roots of prosperity and security from the land, and rendered the ryots and subjects destitute, by force and extortion. As this accusation, in fact, is destitute of uprightness and void of truth,

therefore with a view to show the truth in its true colours, I have written upon this sheet with truth and sincerity, to serve as an evidence, and to represent real facts, to serve also as information and communication,—that Mr. Hastings, from the commencement of his administration, until his departure for England, whether during the lifetime of the deceased Nawaub, of blessed memory, Vizier ul Moulk, Sujah ul Dowlah Behodar, my father, or during my government, did not at any time transact, contrary to justice, any matter which took place from the great friendships between me and the Company, nor in any business depart from the path of truth and uprightness; but cultivated friendship, with integrity and sincerity, and in every respect engaged himself in the duties of friendship, with me, my ministers, and confidants. I am at all times, and in every way, pleased with and thankful for his friendly manners and qualities; and my ministers and confidants, who have always every one of them been satisfied with his conduct, are for ever grateful for his friendship, and thankful for his virtues. As these matters are real facts and according to truth, I have written these lines as an evidence, and transmit the paper to England through the government of Calcutta, for the information of the gentlemen of power and rank in England."

Observe, my lords, the candour of the Commons—we produce this evidence, which accuses us, as Mr. Hastings does, of uttering everything that is false—we choose to bring our shame before the world, and to admit that this man, on whose behalf and on the behalf of whose country we have accused Mr. Hastings, has declared that this accusation (namely this impeachment) is destitute of uprightness and without truth. But, my lords, this is not only a direct contradiction to all he has ever said—to all that has been proved to you by us; but a direct contradiction to all the representations of Mr. Hastings himself. Your lordships will hence see what credit is to be given to these papers.

Your lordships shall now hear what Hyder Beg Khân says; that Hyder Beg Khân who stands recorded in your minutes as the worst of mankind; who is represented as writing letters without the Nabob's consent, and in defiance of him;—the man of whom Mr. Hastings says, that the Na-

bob is nothing but a tool in his hands, and that the Nabob is, and ever must be, a tool of somebody or other. Now as we have heard the tool speak, let us hear how the workman employed to work with this tool speaks:—

Extract from Hyder Beg Khân's letter to the Governor and council:—"It is at this time learnt by the Nawaub Vizier and us his ministers, that gentlemen of power in England are displeased with Mr. Hastings, on the suspicion that during his administration in this country, from motives of avidity, he committed oppressions contrary to the rules of justice, took the properties of men by deceit and force, injured the ryots and subjects, and rendered the country destitute and ruined.—As the true and upright disposition of Mr. Hastings is in every respect free of this suspicion, we therefore with truth and sincerity declare by these lines, written according to fact, that Mr. Hastings, from the first of his appointment to the government of this country, until his departure for Europe, during his authority in the management of the affairs of the country, whether in the lifetime of the Nawaub Sujah ul Dowlah Behadre deceased, or whether during the present reign, did not, in any matters which took place from the great friendship between this government and the Company, act in anywise upon motive of avidity, and not having, in any respect, other than justice and propriety in intention, did not swerve from their rules, he kept his excellency the Vizier always pleased and satisfied" (you will remember, my lords, the last expressions of his pleasure and satisfaction) "by his friendship and attention in every matter. He at all times showed favour and kindness towards the ministers of this government, and under his protection having enjoyed perfect happiness and comfort, we are from our hearts satisfied with, and grateful for, his benevolence and goodness."

Here, my lords, you have the character which Hyder Beg Khân gives of Mr. Hastings; of the man who he knew had loaded him, as he had done, with every kind of indignity, reproach, and outrage with which a man can be loaded. Your lordships will see that this testimony repeats almost word for word the testimony of the Vizier Nabob, which shows who the real writer is.

My lords, it is said that there is no word in the Persian language to express gratitude. With these signal instances of gratitude before us, I think we may venture to put one into their dictionary. Mr. Hastings has said he has had the pleasure to find from the people of India that gratitude which he has not met with from his own countrymen, the House of Commons. Certainly if he has done us services, we have been ungrateful indeed; if he has committed enormous crimes, we are just. Of the miserable, dependent situation to which these people are reduced, that they are not ashamed to come forward and deny everything they have given under their own hand; all these things show the portentous nature of this government, they show the portentous nature of that phalanx with which the House of Commons is at present at war; the power of that captain-general of every species of Indian iniquity, which under him is embodied, arrayed, and paid, from Leadenhall Street to the furthermost part of India. We have but one observation more to offer upon this collection of rayzunumas, upon these miserable testimonials given by these wretched people, in contradiction to all their own previous representations; directly in contradiction to those of Mr. Hastings himself; directly in contradiction to those of Lord Cornwallis; directly in contradiction to truth itself. It is this. Here is Mr. Hastings with his agents canvassing the country with all that minuteness with which a county is canvassed at an election; and yet in this whole book of rayzunumas, not one fact adduced by us is attempted to be disproved, not one fact upon which Mr. Hastings's defence can be founded is attempted to be proved. There is nothing but bare vile panegyrics, directly belied by the state of facts; directly belied by the persons themselves; directly belied by Mr. Hastings at your bar, and by all the whole course of the correspondence of the country.

We here leave to your lordships' judgment the consideration of the elevated rank of the persons aggrieved, and degraded to the lowest state of dependence and actual distress; the consideration of the condition of the country gentlemen, who were obliged to hide their heads wherever they could, from the plunderers and robbers established under his authority in every part of the country; and that of the miserable common people, who have been obliged to sell their chil-

dren through want of food to feed them; the consideration, I say, of the manner in which this country, in the highest, in the middle, and in the lowest classes of its inhabitants, nay in physical works of God, was desolated and destroyed by this man. Having now done with the province of Oude, we will proceed to the province of Bengal, and consider what was the kind of government which he exercised there, and in what manner it affected the people that were subjected to it.

Bengal, like every part of India subject to the British empire, contains (as I have already had occasion to mention) three distinct classes of people, forming three distinct social systems. The first is the Mahomedans, which about seven hundred years ago obtained a footing in that country, and ever since has in a great degree retained its authority there. For the Mahomedans had settled there long before the foundation of the Bengal empire, which was overturned by Tamerlane. So that this people, who are represented sometimes loosely as strangers, are people of ancient and considerable settlement in that country; and though, like Mahomedan settlers in many other countries, they have fallen into decay, yet being continually recruited from various parts of Tartary, under the Mogul empire, and from various parts of Persia, they continue to be the leading and most powerful people throughout the Peninsula; and so we found them there. These people, for the most part, follow no trades or occupation, their religion and laws forbidding them in the strictest manner to take usury or profit arising from money that is in any way lent; they have therefore no other means for their support but what arises from their adherence to, and connexion with, the Mogul government and its viceroys. They enjoy under them various offices civil and military, various employments in the courts of law, and stations in the army. Accordingly a prodigious number of people, almost all of them persons of the most ancient and respectable families in the country, are dependent upon and cling to the soubahdars or viceroys of the several provinces. They, therefore, who oppress, plunder, and destroy the soubahdars, oppress, rob, and destroy an immense mass of people. It is true that a supervening government, established upon another, always reduces a certain portion of the dependants upon the latter to want. You must distress, by the very nature of the circum-

stances of the case, a great number of people; but then it is your business, when, by the superiority which you have acquired, however you may have acquired it (for I am not now considering whether you have acquired it by fraud or force, or whether by a mixture of both), when, I say, you have acquired it, it is your business not to oppress those people with new and additional difficulties, but rather to console them in the state to which they are reduced, and to give them all the assistance and protection in your power.

The next system is composed of the descendants of the people who were found in the country by the Mahomedan invaders. The system before mentioned comprehends the official interest, the judicial interest, the court interest, and the military interest. This latter body includes almost the whole landed interest, commercial interest, and monied interest of the country. For the Hindoos not being forbidden by their laws or religious tenets as laid down in the Shaster --many of them became the principal money-lenders and bankers; and thus the Hindoos form the greatest part both of the landed and monied interest in that country.

The third and last system is formed of the English interest; which in reality, whether it appears directly or indirectly, is the governing interest of the whole country; of its civil and military interest, of its landed, monied, and revenue interest; and what to us is the greatest concern of all, it is this system which is responsible for the government of that country to the government of Great Britain. It is divided into two parts, one emanating from the Company, and afterwards regulated by act of parliament; the other a judicial body sent out by, and acting under, the authority of the crown itself. The persons composing that interest are those whom we usually call the servants of the Company. They enter into that service, as your lordships know, at an early period of life, and they are promoted accordingly as their merit or their interest may provide for them. This body of men, with respect to its number, is so small as scarcely to deserve mentioning; but from certain circumstances, the government of the whole country is fallen into their hands. Amongst these circumstances the most important and essential are their having the public revenues and the public purse entirely in their own hands, and their having an army maintained by

that purse, and disciplined in the European manner. Such was the state of that country when Mr. Hastings was appointed Governor in 1772. Your lordships are now to decide upon the manner in which he has comported himself with regard to all these three interests; first, whether he has made the ancient Mahomedan families as easy as he could; secondly, whether he has made the Hindoo inhabitants, the zemindars and their tenants, as secure in their property and as easy in their tenure as he could; and lastly, whether he has made the English interest a blessing to the country; and whilst it provided moderate, safe, and proper emoluments to the persons that were concerned in it—it kept them from oppression and rapine, and a general waste and ravage of the country; whether, in short, he made all these three interests pursue that one object which all interests and all governments ought to pursue, the advantage and welfare of the people under them.

My lords, in support of our charge against the prisoner at your bar, that he acted in a manner directly the reverse of this, we have proved to you that his first acts of oppression were directed against the Mahomedan government; that government which had been before, not only in name, but in effect to the very time of his appointment, the real government of the country. After the Company had acquired its right over it, some shadow still remained of the ancient government. An allowance was settled for the Nabob of Bengal, to support the dignity of his court, which amounted to between four and five hundred thousand pounds a year. In this was comprehended the support of the whole mass of nobility; the soldiers, serving or retired; all the officers of the court; and all the women that were dependent upon them; the whole of the criminal jurisdiction of the country, and a very considerable part of the civil law and the civil government. These establishments formed the constitutional basis of their political government.

The Company never had, and it is a thing that we can never too often repeat to your lordships, the Company never had of right despotic power in that country, to overturn any of these establishments. The Mogul, who gave them their charters, could not give them such a power, he did not *de facto* give them such a power; the government of this coun-

try did not by act of parliament, and the Company did not and could not by their delegation, give him such a power; the act, by which he was appointed Governor, did not give him such a power. If he exercised it, he usurped it; and therefore every step we take in the examination of his conduct in Bengal, as in every step we take upon the same subject everywhere else, we look for the justification of his conduct to laws; the law of nations, the laws of this country, and the laws of the country he was sent to govern.

The government of that country, by the ancient constitution of the Mogul empire (besides the numberless individual checks and counter-checks in the inferior officers), is divided into the viceroyal part and the soubahdarry part. The viceroyal part takes in all criminal justice and political government. Mr. Hastings found the country under a viceroy, governing according to law, acting by proper judges and magistrates under him; he himself not being the judicial but executive power of the country; that which sets the other in action, and does not supersede it or supply its place. The other, the soubahdarry power, which was by the grant of the dewanny conferred upon the Company, had under its care the revenues, as much of the civil government as is concerned with the revenues, and many other matters growing out of it. These two offices are coördinate and dependent on each other. The Company, after contracting to maintain the army out of it, got the whole revenue into their power. The army being thus within their power, the soubahdar by degrees vanished into an empty name.

When we thus undertook the government of the country, conscious that we had undertaken a task which by any personal exertion of our own we were unable to perform in any proper or rational way, the Company appointed a native of the country, Mahomed Reza Khân, who stands upon the records of the Company, I venture to say, with such a character as no man perhaps ever did stand, to execute the duties of both offices. Upon the expulsion of Cossim Ali Khân, the Nabob of Bengal, all his children were left in a young, feeble, and unprotected state; and in that state of things, Lord Clive, Mr. Sumner, who sits near Mr. Hastings, and the rest of the council, wisely appointed Mahomed Reza Khân to fulfil the two offices of deputy viceroy and deputy dewan, for which

he had immense allowances and great jaghires and revenues I allow. He was a man of that dignity, rank, and consideration, added to his knowledge of law and experience in business, that Lord Clive and Mr. Sumner, who examined strictly his conduct at that time, did not think that £112,000 a year, the amount of the emoluments which had been allowed him, was a great deal too much: but at his own desire, and in order that these emoluments might be brought to stated and fixed sums, they reduced it to £90,000; an allowance which they thought was not more than sufficient to preserve the state of so great a magistrate, and a man of such rank, exercising such great employments. The whole revenue of the Company depended upon his talents and fidelity; and you will find, that on the day in which he surrendered the revenues into our hands, the dewanny, under his management, was a million* more than it produced on the day Mr. Hastings left it. For the truth of this, I refer your lordships to a letter of the Company sent to the board of control. This letter is not in evidence before your lordships, and what I am stating is merely historical. But I state the fact, and with the power of referring, for their proof, to documents as authentic as if they were absolutely in evidence before you. Assuming, therefore, that all these facts may be verified by the records of the Company, I have now to state that this man, by some rumours true or false, was supposed to have misconducted himself in a time of great calamity in that country. A great famine had about this time grievously afflicted the whole province of Bengal. I must remark, by the way, that these countries are liable to this calamity; but it is greatly blessed by nature with resources which afford the means of speedy recovery, if their government does not counteract them. Nature, that inflicts the calamity, soon heals the wound; it is in ordinary seasons the most fertile country, inhabited by the most industrious people, and the most disposed to marriage and settlement, probably, that exists in the whole world; so that population and fertility are soon restored, and the inhabitants quickly resume their former industrious occupations.

During the agitation excited in the country by the calamity I have just mentioned, Mahomed Reza Khân, through the intrigues of Rajah Nundcomar, one of his political rivals,

and of some English faction that supported him, was accused of being one of the causes of the famine. In answer to this charge, he alleged, what was certainly a sufficient justification, —that he had acted under the direction of the English board, to which his conduct throughout this business was fully known. The Company, however, sent an order from England to have him tried; but though he frequently supplicated the government at Calcutta that his trial should be proceeded in, in order that he might be either acquitted and discharged, or condemned, Mr. Hastings kept him in prison two years, under pretence (as he wrote word to the directors) that Mahomed Reza Khân himself was not very desirous to hasten the matter. In the mean time the court of directors, having removed him from his great offices, authorized and commanded Mr. Hastings (and here we come within the sphere of your minutes) to appoint a successor to Mahomed Reza Khân, fit to fulfil the duties of his station. Now I shall first show your lordships what sort of person the court of directors described to him as most fit to fill the office of Mahomed Reza Khân; what sort of person he did appoint; and then we will trace out to you the consequences of that appointment.

Letter from the court of directors to the president and council at Fort William, dated 28th August, 1771:—"Though we have not a doubt but that, by the exertion of your abilities and the care and assiduity of our servants in the superintendency of the revenues, the collections will be conducted with more advantage to the Company and ease to the natives than by means of a naib dewan; we are fully sensible of the expediency of supporting some ostensible minister in the Company's interest at the Nabob's court, to transact the political affairs of the sircar, and interpose between the Company and the subjects of any European power, in all cases wherein they may thwart our interest or encroach on our authority; and as Mahomed Reza Khân can no longer be considered by us as one to whom such a power can be safely committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured; such person you will recommend to the Nabob to succeed Ma-

homed Reza as minister of the government, and guardian of the Nabob's minority; and we persuade ourselves that the Nabob will pay such regard to your recommendation, as to invest him with the necessary power and authority.

"As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and secure his attachment to the Company: we therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance not exceeding three lacks of rupees (£30 000), which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good and the safety and interest of the Company."

Here, my lords, a person was to be named fit to fill the office and supply the place of Mahomed Reza Khân, who was deputy viceroy of Bengal, at the head of the criminal justice of the country, and in short at the head of the whole ostensible Mahommedan government. He was also to supply the place of Mahomed Reza Khân as naib dewan, from which Reza Khân was to be removed: for you will observe the directors always speak of a man fit to perform all the duties of Mahomed Reza Khân; and amongst these he was to be as the guardian of the Nabob's person, and the representative of his authority and government.

Mr Hastings, having received these orders from the court of directors, did—what? He alleges in his defence, that no positive commands were given him; but a very sufficient description was given of the person who ought to succeed Mahomed Reza Khân, in whom the Company had before recognised all the necessary qualities; and they therefore desire him to name a similar person. But what does Mr Hastings do in consequence of this authority? He names

no man at all. He searches into the seraglio of the Nabob, and names a woman to be the viceroy of the province, to be the head of the ostensible government, to be the guardian of the Nabob's person, the conservator of his authority, and a proper representative of the remaining majesty of that government. Well, my lords, he searched the seraglio. When you have to take into consideration the guardianship of a person of great dignity, there are two circumstances to be attended to; one a faithful and affectionate guardianship of his person; and the other a strong interest in his authority, and the means of exercising that authority in a proper and competent manner.

Mr. Hastings, when he was looking for a woman in the seraglio (for he could find women only there), must have found actually in authority there the Nabob's own mother; certainly a person who by nature was most fit to be his guardian, and there is no manner of doubt of her being sufficiently competent to that duty. Here then was a legitimate wife of the Nabob Jaffier Ali Khân, a woman of rank and distinction, fittest to take care of the person and interests, as far as a woman could take care of them, of her own son. In this situation she had been placed before, during the administration of Mahomed Reza Khân, by the direct orders of the governor, Sir John Cartier. She had, I say, been put in possession of that trust, which it was natural and proper to give to such a woman. But what does Mr. Hastings do? He deposes this woman. He strips her of her authority, with which he found her invested under the sanction of the English government. He finds out a woman in the seraglio called Munny Begum, who was bound to the Nabob by no tie whatever of natural affection. He makes this woman the guardian of the young Nabob's person. She had a son who had been placed upon the musnud after the death of his father Sujah Dowlah, and had been appointed his guardian. This young Nabob died soon afterwards, and was succeeded by Nuzmut Dowlah, another natural son of Sujah Dowlah. This prince being left without a mother, this woman was suffered to retain the guardianship of the Nabob till his death. When Mobarick ul Dowlah, a legitimate son of Sujah Dowlah, succeeded him, Sir John Cartier did what his duty was, he put the Nabob's own mother into the

place which she was naturally entitled to hold, the guardianship of her own son, and displaced Munny Begum. The whole of the arrangement, by which Munny Begum was appointed guardian of the two preceding Nabobs, stands in the Company's records, stigmatized as a transaction base, wicked, and corrupt. We will read to your lordships an extract from a letter which has the signature of Mr. Sumner, the gentleman who sits here by the side of Mr. Hastings, and from which you will learn what the Company and the council thought of the original nomination of Munny Begum and of her son. You will find that they considered her as a great agent and instrument of all the corruption there; and that this whole transaction, by which the bastard son of Munny Begum was brought forward to the prejudice of the legitimate son of the Nabob, was considered to be, what it upon the very face of it speaks itself to be, corrupt and scandalous.

Extract of a general letter from the president and council at Calcutta, Bengal, to the select committee of the directors. Paragraph 5.—"At Fort Saint George we received the first advices of the demise of Meer Jaffier, and of Sujah Dowlah's defeat, it was there firmly imagined that no definitive measures would be taken, either with respect to a peace or filling the vacancy in the nizamut before our arrival, as the *Lapwing* arrived in the month of January with your general letter, and the appointment of a committee with express powers to that purpose, for the successful exertion of which the happiest occasion now offered. However, a contrary resolution prevailed in the council; the opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted; a treaty was hastily drawn up by the board, or rather transcribed with few unimportant additions from that concluded with Meer Jaffier, and a deputation, consisting of Messrs. Johnstone, senior, Middleton, and Leycester, appointed to raise the natural son of the deceased Nabob to the soubahdarry, in prejudice of the claim of the grandson; and for this measure such reasons assigned as ought to have dictated a diametrically opposite resolution. Miran's son was a minor, which circumstance alone would have naturally brought the whole administration into our

hands, at a juncture when it became indispensably necessary we should realize the shadow of power and influence, which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of adverse fortune. But this inconsistence was not regarded, nor was it material to the views for precipitating the treaty, which was pressed on the young Nabob at the first interview, in so earnest and indelicate a manner, as highly disgusted him and chagrined his ministers, while not a single rupee was stipulated for the Company, whose interests were sacrificed, that their servants might revel in the spoils of a treasury before impoverished, but now totally exhausted."

"6.—This scene of corruption was first disclosed at a visit the Nabob paid to Lord Clive and the gentlemen of the committee a few days after our arrival; he there delivered to his lordship a letter filled with bitter complaints of the insults and indignity he had been exposed to, and the embezzlement of near twenty lacks of rupees issued from his treasury for purposes unknown, during the late negotiations;—so public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance, entered by Mr. Leycester, against that very Nabob in whose elevation he boasts of having been a principal agent."

"7.—Mahomed Reza Khân, the naib soubah, was then called upon to account for this large disbursement from the treasury; and he soon delivered to the committee the very extraordinary narrative entered in our proceedings, the 6th of June, wherein he specifies the several names and sums, by whom paid, and to whom, whether in cash, bills, or obligation. So precise, so accurate an account as this of money for secret and venal services was never, we believe, before this period, exhibited to the honourable court of directors; at least never vouched by undeniable testimony and authentic documents by Juggut Seet, who himself was obliged to contribute largely to the sums demanded by Moolyram, who was employed by Mr. Johnstone in all these pecuniary transactions by the Nabob and Mahomed Reza Khân, who were the heaviest sufferers; and lastly, by the confession of the gen-

tlemen themselves, whose names are specified in the distribution list."

"8.—Juggut Seet expressly declared in his narrative, that the sum which he agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces; and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st of June, it fully appears, that the presents from the Nabob and Mahomed Reza Khân, exceeding the immense sum of seventeen lacks, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependent state and timid disposition of the minister. The charge, indeed, is denied on the one hand, as well as affirmed on the other. Your honourable board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders; the exposing the government in a manner to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness, because we speak from conviction founded upon indubitable evidence, that besides the above sums specified in the distribution account, to the amount of £228,125 sterling, there was likewise to the value of several lacks of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow on Mahomed Reza Khân.- Signed at the end,—Clive, W B. Sumner, John Carnac, H. Verelst, Fra^s Sykes."

My lords, the persons who sign this letter are mostly the friends of, and one of them is the gentleman who is bail for and sits near, Mr. Hastings. They state to you this horrible and venal transaction, by which the government was set to sale, by which a bastard son was elevated to the wrong of the natural and legitimate heir; and in which a prostitute, his mother, was put in the place of the honourable and legitimate mother of the representative of the family.

Now if there was one thing more than another under heaven which Mr. Hastings ought to have shunned, it was the suspicion of being concerned in any such infamous transaction as that which is here recorded to be so—a transaction in which the country government had before been sold to this

very woman and her offspring, and in which two great candidates for power in that country fought against each other, and perhaps the largest offerer carried it.

When a Governor-General sees the traces of corruption in the conduct of his predecessors, the traces of injustice following that corruption,—the traces of notorious irregularity, in setting aside the just claimants in favour of those that have no claim at all,—he has that before his eyes which ought to have made him the more scrupulously avoid and to keep at the farthest distance possible from the contagion, and even the suspicion of being corrupted by it. Moreover, my lords, it was in consequence of these very transactions, that the new covenants were made which bind the servants of the Company never to take a present of above £200, or some such sum of money, from any native in circumstances there described. This covenant I shall reserve for consideration in another part of this business. It was in pursuance of this idea, and to prevent the abuse of the prevailing custom of visiting the governing powers of that country, with a view of receiving presents from them, that the House of Commons afterwards, in its inquiries, took up this matter and passed the regulating act in 1773. But to return to Munny Begum;—this very person, that had got into power by the means already mentioned, did Mr. Hastings resort to, knowing her to be well skilled in the trade of bribery; knowing her skilful practice in business of this sort; knowing the fitness of her eunuchs, instruments, and agents to be dealers in this kind of traffic. This very woman did Mr. Hastings select, stigmatized as she was in the Company's record, stigmatized by the very gentleman who sits next to him, and whose name you have heard read to you, as one of those members of the council that reprobated the horrible iniquity of the transaction, in which this woman was a principal agent. For though neither the young Nabob nor his mother ought to have been raised to the stations in which they were placed, and were placed there for the purpose of facilitating the receipt of bribes, yet the order of nature was preserved, and the mother was made the guardian of her own son. For though she was a prostitute and he a bastard, yet still she was a mother and he a son; and both nature and legitimate disposition, with regard to the guardianship of a son, went together.

But what did Mr. Hastings do? Improving upon the preceding transaction, improving on it by a kind of refinement in corruption, he drives away the lawful mother from her lawful guardianship; the mother of nature he turns out, and he delivers her son to the stepmother, to be the guardian of his person. That your lordships may see who this woman was, we shall read to you a paper from your lordships' minutes, produced before Mr. Hastings's face, and never contradicted by him from that day to this.

At a consultation, 24th July, 1775:—"Shah Chanim, deceased, was sister to the Nabob Mahub ul Jung by the same father, but different mothers; she married Meer Mahomed Jaffier Khân, by whom she had a son and a daughter; the name of the former was Meer Mahomed Sadduc Ali Khân, and the latter was married to Meer Mahomed Cossim Khân Sadduc; Ali Khân had two sons and two daughters; the sons' names are Meer Sydoc and Meer Sobeem, who are now living; the daughters were married to Sultan Merza Daood.

"Baboo Begum, the mother of the Nabob Mobarick ul Dowlah, was the daughter of Summim Ali Khân, and married Meer Mahomed Jaffier Khân. The history of Munny Begum is this:—At a village called Balcurda, near Sehindra, there lived a widow, who from her great poverty, not being able to bring up her daughter Munny, gave her to a slave girl belonging to Summim Ali Khân, whose name was Bissoo; during the space of five years she lived at Shahjehunabad, and was educated by Bissoo, after the manner of a dancing girl; afterward the Nabob Shamot Jung, upon the marriage of Ikram ul Dowlah, brother to the Nabob Surage ul Dowlah, sent for Bissoo Beg's set of dancing girls from Shahjehunabad, of which Munny Begum was one, and allowed them 10,000 rupees for their expenses, to dance at the wedding; while this ceremony was celebrating they were kept by the Nabob, but some months afterwards he dismissed them, and they took up their residence in this city. Meer Mahomed Jaffier Khân then took them into keeping, and allowed Munny and her set 500 rupees per month; till at length finding that Munny was pregnant, he took her into his own house; she gave birth to the Nabob Nijam ul Dowlah, and in this manner she has remained in the Nabob's family ever since."

My lords, I do not mean to detain you long upon this part of the business; but I have thought it necessary to advert to these particulars. As to all the rest, the honourable and able manager who preceded me has sufficiently impressed upon your lordships' minds the monstrous nature of the deposing of the Nabob's mother from the guardianship of her son, for the purpose of placing this woman there at the head of all his family, and of his domestic concerns in the seraglio within doors, and at the head of the state without; together with the disposal of the whole of the revenue that was allowed him. Mr. Hastings pretends, indeed, to have appointed at the same time a trusty mutseddy to keep the accounts of the revenue, but he has since declared that no account had been kept, and that it was in vain to desire it or to call for it. This is the state of the case with respect to the appointment of Munny Begum. With regard to the reäppointment of Mahomed Reza Khân, you have heard from my worthy fellow manager that he was acquitted of the charges that had been brought against him by Mr. Hastings after a long and lingering trial. The Company was perfectly satisfied with the acquittal, and declared that he was not only acquitted, but honourably acquitted; and they also declared that he had a fair claim to a compensation for his sufferings. They not only declared him innocent, but meritorious. They gave orders that he should be considered as a person who was to be placed in office again upon the first occasion, and that he had entitled himself to this favour by his conduct in the place which he had before filled.

The council of the year 1775 (whom I can never mention nor shall mention without honour), who complied faithfully with the act of parliament, who never disobeyed the orders of the Company, and to whom no man has imputed even the shadow of corruption, found that this Munny Begum had acted in the manner which my honourable fellow manager has stated; that she had dissipated the revenue; that she had neglected the education of the Nabob, and had thrown the whole judicature of the country into confusion. They ordered that she should be removed from her situation; that the Nabob's own mother should be placed at the head of the seraglio, a situation to which she was entitled; and, with re-

gard to the rest of the offices, that Mahomed Reza Khân should be employed to fill them.

Mr. Hastings resisted these propositions with all his might; but they were by that happy momentary majority carried against him, and Mahomed Reza Khân was placed in his former situation. But Mr. Hastings, though thus defeated, was only waiting for what he considered to be the fortunate moment for returning again to his corrupt, vicious, tyrannical, and disobedient habits. The reappointment of Mahomed Reza Khân had met with the fullest approbation of the Company; and they directed, that as long as his good behaviour entitled him to it he should continue in the office. Mr. Hastings, however, without alleging any ill behaviour, and for no reason that can be assigned, but his corrupt engagement with Munny Begum, overturned (upon the pretence of restoring the Nabob to his rights) the whole of the Company's arrangement, as settled by the late majority, and approved by the court of directors.

I have now to show you what sort of a man the Nabob was, who was thus set up in defiance of the Company's authority; what Mr. Hastings himself thought of him; what the judges thought of him; and what all the world thought of him.

I must first make your lordships acquainted with a little preliminary matter:— a man named Roy Radachurn had been appointed vakeel, or agent, to manage the Nabob's affairs at Calcutta. One of this man's creditors attached him there. Roy Radachurn pleaded his privilege as the vakeel or representative of a sovereign prince. The question came to be tried in the supreme court, and the issue was, Whether the Nabob was a sovereign prince or not? I think the court did exceedingly wrong in entertaining such a question; because, in my opinion, whether he was or was not a sovereign prince, any person representing him ought to be left free, and to have a proper and secure means of concerting his affairs with the council. It was, however, taken otherwise; the question was brought to trial, Whether the Nabob was a sovereign prince, sufficient to appoint and protect a person to manage his affairs under the name of an ambassador? In that cause did Mr. Hastings come forward to prove, by a voluntary affi-

davit, that he had no pretensions, no power, no authority at all; that he was a mere pageant, a thing of straw, and that the Company exercised every species of authority over him, in every particular, and in every respect; and that therefore to talk of him as an efficient person, was an affront to the common sense of mankind; and this you will find the judges afterwards declared to be their opinion.

I will here press again one remark (which perhaps you may recollect that I have made before), that the chief and most usual mode, in which all the villanies perpetrated in India by Mr. Hastings and his copartners in iniquity, has been through the medium and instrumentality of persons whom they pretended to have rights of their own, and to be acting for themselves; whereas such persons were, in fact, totally dependent upon him, Mr. Hastings, and did no one act that was not prescribed by him. In order, therefore, to let you see the utter falsehood, fraud, prevarication, and deceit of the pretences by which the native powers of India are represented to be independent, and are held up as the instruments of defying the laws of this kingdom, under pretext of their being absolute princes, I will read the affidavit of Warren Hastings, Esq., Governor-General of Bengal, made the 31st July, 1775:—"This deponent maketh oath, and saith, That the late president and council did, on or about the month of August, 1772, by their own authority appoint Munny Begum, relict of the late Nabob, Meer Jaffier Ali Khân, to be guardian to the present Nabob, Mobarick ul Dowlah, and Rajah Goordas, son of Mahah Rajah Nundcomar, to be dewan of the said Nabob's household; allowing to the said Munny Begum a salary of 140,000 rupees per annum; and to the said Rajah Goordas, for himself and officers, a salary of 100,000 rupees per annum.—That the said late president and council did, in or about the month of August, 1772, plan and constitute regular and distinct courts of justice, civil and criminal, by their own authority, for administration of justice to the inhabitants throughout Bengal, without consulting the said Nabob, or requiring his concurrence, and that the said civil courts were made solely dependent on the presidency of Calcutta; and the said criminal courts were put under the inspection and control of the Company's servants, although ostensibly under the name of the nazim, as appears from the

following extracts from the plan for the administration of justice, constituted by the president and council as aforesaid."

My lords, we need not go through all the circumstances of this affidavit which is in your minutes, and to save time, I will refer your lordships to them. This affidavit, as I have already said, was put into the court to prove that the Nabob had no power or authority at all: but what is very singular in it, and which I recommend to the particular notice of your lordships when you are scrutinizing this matter, is, that there is not a single point stated to prove the nullity of this Nabob's authority, that was not Mr. Hastings's own particular act. Well, the Governor-General swears; the judge of the court refers to him in his decision; he builds and bottoms it upon the Governor-General's affidavit; he swears, I say, that the council, by their own authority, appointed Munny Begum to be guardian to the Nabob. "By what authority," the Governor-General asks, "did the council erect courts of law and superintend the administration of justice, without any communication with the Nabob? Had the Nabob himself any idea that he was a sovereign? Does he complain of the reduction of his stipend or the infringement of treaties? No; he appears to consider himself to be, what in fact he really is, absolutely dependent on the Company, and to be willing to accept any pittance they would allow him for his maintenance. He claims no rights. Does he complain that the administration of justice is taken into the hands of the Company? No. By the treaty, the protection of his subjects is delivered up to the Company; and he well knew that, whoever may be held up as the ostensible prince, the administration of justice must be in the hands of those who have power to enforce it." He goes on, "The Governor-General, who, I suppose, had a delicacy to state more than what had before been made public, closes his affidavit with saying, that all he has deposed to he believes to be publicly known, as it is particularly set forth in the printed book entitled Reports of the Committee of the House of Commons. I knew," he adds, "it was there, and was therefore surprised at this application; it is so notorious that everybody in the settlement must have known it; when I say everybody I mean

with an exception to the gentlemen who have applied to the court. The only reason I can give for their applying is the little time they have been in the country." The judge (I think it is Chief Justice Impey) then goes on, "Perhaps this question might have been determined merely on the dates of the letters to the Governor-General; but as the council have made the other a serious question, I should not have thought that I had done my duty, if I had not given a full and determinate opinion upon it; I should have been sorry if I had left it doubtful, whether the empty name of a Nabob should be thrust between a delinquent and the laws, so as effectually to protect him from the hand of justice."

My lords, the court, as you see, bottoms its determination on what we stand upon here, Mr. Hastings's evidence, that the empty name of a pretended sovereign should not be thrust forth between a delinquent and justice.

What does Mr. Lemaistre, the other judge, say upon this occasion,—"with regard to this phantom, that man of straw, Mobarick ul Dowlah, it is an insult on the understanding of the court to have made the question of his sovereignty. But as it came from the Governor-General and council, I have too much respect for that body to treat it ludicrously, and I confess, I cannot consider it seriously, and we always shall consider a letter of business from the Nabob the same as a letter from the Governor-General and council."

This is the unanimous opinion of all the judges concerning the state and condition of the Nabob. We have thus established the point we mean to establish, that any use which shall be made of the Nabob's name, for the purpose of justifying any disobedience to the orders of the Company, or of bringing forward corrupt and unfit persons for the government, could be considered as no other than the act of the persons who shall make such a use of it; and that no letter that the Nabob writes to any one in power was or could be considered as any other than the letter of that person himself. This we wish to impress upon your lordships, because, as you have before seen the use that has been made in this way of the Nabob of Oude, you may judge of the use that has been made of the name of Hyder

Beg Khân, and of the names of all the eminent persons of the country. One word more, and I have done; if, whilst you remark the use that is made of this man's name, your lordships shall find that this use has ever been made of his name for his benefit, or for the purpose of giving him any useful or substantial authority, or of meliorating his condition in any way whatever, forgive the fraud, forgive the disobedience.

But if we have shown your lordships that it was for no other purpose than to disobey the orders of the Company, to trample upon the laws of his country, to introduce back again, and to force into power, those very corrupt and wicked instruments which had formerly done so much mischief, and for which mischief they were removed, then we shall not have passed our time in vain, in endeavouring to prove that this man, in the opinion of a court of justice, and by public notoriety, and by Mr. Hastings's own opinion, was held to be fit for nothing but to be made a tool in his hands.

Having stated to your lordships generally the effects produced upon the Mahomedan interest of Bengal by the misconduct of the prisoner at your bar, with respect to the appointment of the guardian of the Nabob or Soubahdar of that province, and of the ministers of his government, I shall have the honour of attending your lordships another day; and shall show you the use that has been made of this government and of the authority of the Nabob, who, as your lordships have seen, was the mere phantom of power; and I shall show how much a phantom he was for every good purpose, and how effectual an instrument he was made for every bad one

[Adjourned.

TRIAL.

SATURDAY, 14TH JUNE, 1794.

EIGHTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS.—Your lordships heard, upon the last day of the meeting of this high court, the distribution of the several matters which I should have occasion to lay before you, and by which I resolved to guide myself in the examination of the conduct of Mr. Hastings with regard to Bengal. I stated, that I should first show the manner in which he comported himself with regard to the people who were found in possession of the government when we first entered into Bengal. We have shown to your lordships the progressive steps by which the native government was brought into a state of annihilation. We have stated the manner in which that government was solemnly declared by a court of justice to be depraved and incompetent to act, and dead in law. We have shown to your lordships (and we have referred you to the document) that its death was declared, upon a certificate of the principal attending physician of the state, namely, Mr. Warren Hastings himself; this was declared in an affidavit made by him, wherein he has gone through all the powers of government, of which he had regularly despoiled the Nabob Mobarick ul Dowlah part by part, exactly according to the ancient formula by which a degraded knight was despoiled of his knighthood; they took, I say, from him all the powers of government, article by article, his helmet, his shield, his cuirass, at last they hacked off his spurs, and left him nothing. Mr. Hastings laid down all the premises, and left the judges to draw the conclusion.

Your lordships will remark (for you will find it on your minutes), that the judges have declared this affidavit of Mr. Hastings to be a *delicate affidavit*. We have heard of affidavits that were true; we have heard of affidavits that were

perjured; but this is the first instance that has come to our knowledge (and we receive it as a proof of Indian refinement) of a delicate affidavit. This affidavit of Mr. Hastings, we shall show to your lordships, is not entitled to the description of a good affidavit, however it might be entitled, in the opinion of those judges, to the description of a delicate affidavit, a phrase by which they appear to have meant that he had furnished all the proofs of the Nabob's deposition, but had delicately avoided to declare him expressly deposed. The judges drew, however, this indelicate conclusion; the conclusion they drew was founded upon the premises; it was very just and logical; for they declared that he was a mere cypher They commended Mr. Hastings's delicacy, though they did not imitate it; but they pronounced sentence of deposition upon the said Nabob, and they declared that any letter or paper that was produced from him could not be considered as an act of government. So effectually was he removed by the judges out of the way, that no minority, no insanity, no physical circumstances, not even death itself, could put a man more completely out of sight. They declare that they would consider his letters in no other light than as the letters of the Company, represented by the Governor-General and council. Thus, then, we find the Nabob legally dead.

We find next, that he was politically dead. Mr. Hastings, not satisfied with the affidavit he made in court, has thought proper upon record to inform the Company and the world of what he considered him to be civilly and politically.—[Minute entered by the Governor-General:]—"The Governor-General. I object to this motion [a motion relative to the trial above alluded to], because I do not apprehend that the declaration of the judges, respecting the Nabob's sovereignty, will involve this government in any difficulties with the French or other foreign nations." [Mark, my lords, these political effects.] "How little the screen of the Nabob's name has hitherto availed will appear in the frequent and inconclusive correspondence which has been maintained with the foreign settlements, the French especially, since the Company have thought proper to stand forth in their real character in the exercise of the dewanny. From that period the government of these provinces has been wholly theirs, nor can all the subtilties

and distinctions of political sophistry conceal the possession of power, where the exercise of it is openly practised and universally felt in its operation.—In deference to the commands of the Company, we have generally endeavoured, in all our correspondence with foreigners, to evade the direct avowal of our possessing the actual rule of the country; employing the unapplied term government for the power to which we exacted their submission; but I do not remember any instance, and I hope none will be found, of our having been so disingenuous as to disclaim our own power, or to affirm that the Nabob was the real sovereign of those provinces. In effect I do not hesitate to say, that I look upon this state of indecision to have been productive of all the embarrassments which we have experienced with the foreign settlements; none of them have ever owned any dominion but that of the British government in these provinces. Mr. Chevalier has repeatedly declared that he will not acknowledge any other, but will look to that only for the support of the privileges possessed by his nation, and shall protest against that alone as responsible for any act of power by which their privileges may be violated or their property disturbed. The Dutch, the Danes, have severally applied to this government, as to the ruling power, for the grant of indulgences and the redress of their grievances. In our replies to all, we have constantly assumed the prerogatives of that character, but eluded the direct avowal of it; under the name of influence, we have offered them protection, and we have granted them the indulgences of government, under elusive expressions, sometimes applied to our treaties with the Nabobs, sometimes to our own rights as the dewan, sometimes openly declaring the virtual rule which we hold of these provinces, we have contended with them for the rights of government, and threatened to repel with force the encroachments on it; we, in one or two instances, have actually put these threats into execution, by orders directly issued to the officers of government, and enforced by detachments from our own military forces. The Nabob was never consulted, nor was the pretence ever made that his orders or concurrence were necessary; in a word, we have always allowed ourselves to be treated as principals; we have treated as principals; but we have contented ourselves with letting our actions insinuate the character

which we effectually possessed, without asserting it.—For my own part, I have ever considered the reserve which has been enjoined on us in this respect as a consequence of the doubts which have long prevailed, and which are still suffered to subsist, respecting the rights of the British government and the Company to the property and dominion of these provinces, not as inferring a doubt with respect to any foreign power; it has, however, been productive of great inconveniences, it has prevented our acting with vigour in our disputes with the Dutch and French. The former refuse to this day the payment of the bahor pescush, although the right is incontestably against them, and we have threatened to enforce it. Both nations refuse to be bound by our decrees, or to submit to our regulations; they refuse to submit to the payment of the duties on the foreign commerce, but in their own way, which amounts almost to a total exemption: they refuse to submit to the duty of ten per cent. which is levied upon foreign salt, by which (unless a stop can be put to it by a more decisive rule) they will draw the whole of that important trade into their own colonies; and even in the single instance in which they have allowed us to prescribe to them, namely, the embargo on grain on the apprehension of a dearth, I am generally persuaded that they acquiesced from the secret design of taking the advantage of the general suspension, by exporting grain clandestinely under cover of their colours, which they knew would screen them from the rigorous examination of our officers. We are precluded from forming many arrangements of general utility, because of their want of control over the European settlement; and a great part of the defects which subsist in the government and commercial state of the country are ultimately derived from this source. I have not the slightest suspicion that a more open and decided conduct would expose us to worse consequences from the European nations; on the contrary, we have the worst of the argument, while we contend with them under false colours, while they know us under the disguise, and we have not the confidence to disown it; what we have done and may do under an assumed character is full as likely to involve us in a war with France, a nation not much influenced by logical weapons, if such can be supposed to be the likely consequences of our own trifling disagreement with

them, as if we stood forth their avowed opponents. To conclude, instead of regretting, with Mr. Francis, the occasion which deprives us of so useless and hurtful a disguise, I should rather rejoice (were it really the case), and consider it as a crisis which freed the constitution of our government from one of its greatest defects."

Now, my lords, the delicacy of the affidavit is no more—the great arcanum of the state is avowed—it is avowed that the government is ours—that the Nabob is nothing. It is avowed to foreign nations; and the disguise which we have put on, Mr. Hastings states, in his opinion, to be hurtful to the affairs of the Company. Here we perceive the exact and the perfect agreement between his character as a delicate affidavit maker in a court of justice, and his indelicate declarations upon the records of the Company for the information of the whole world, concerning the real arcanum of the Bengal government.

Now I cannot help praising his consistency upon this occasion, whether his policy was right or wrong; hitherto we find the whole consistent, we find the affidavit perfectly supported. The inferences, which delicacy at first prevented him from producing, better recollection and more perfect policy made him here avow. In this state things continued. The Nabob, your lordships see, is dead—dead in law—dead in politics—dead in a court of justice—dead upon the records of the Company. Except in mere animal existence, it is all over with him.

I have now to state to your lordships, that Mr. Hastings, who has the power of putting even to death in this way, possesses likewise the art of restoring to life. But what is the medicine that revives them?—Your lordships, I am sure, will be glad to know what nostrum, not hitherto pretended to by quacks in physic, by quacks in politics, nor by quacks in law, will serve to revive this man, to cover his dead bones with flesh, and to give him life, activity, and vigour. My lords, I am about to tell you an instance of a recipe of such infallible efficacy as was never before discovered. His cure for all disorders is disobedience to the commands of his lawful superiors. When the orders of the court of directors are contrary to his own opinions, he forgets them all. Let the court of directors but declare in favour of his own system and

his own positions, and that very moment, merely for the purpose of declaring his right of rebellion against the laws of his country, he counteracts them. Then these dead bones arise; or, to use a language more suitable to the dignity of the thing, Bayes's men are all revived. "Are these men dead?" asks Mr. Bayes's friend. "No," says he, "they shall all get up and dance immediately."—But in this ludicrous view of Mr. Hastings's conduct, your lordships must not lose sight of its great importance. You cannot have, in an abstract, as it were, any one thing that better developes the principles of the man; that more fully developes all the sources of his conduct, and of all the frauds and iniquities which he has committed, in order at one and the same time to evade his duty to the court of directors, that is to say, to the laws of his country, and to oppress, crush, rob, and ill-treat the people that are under him.

My lords, you have had an account of the person who represented the Nabob's dignity, Mahomed Reza Khân; you have heard of the rank he bore, the sufferings that he went through, his trial and honourable acquittal, and the Company's order, that the first opportunity should be taken to appoint him naib soubah, or deputy of the Nabob, and more especially to represent him in the administering of justice. Your lordships are also acquainted with what was done in consequence of those orders by the council-general, in the restoration and reëstablishment of the executive power in this person; not in the poor Nabob, a poor, helpless, ill-bred, ill-educated boy, but in the first Mussulman of the country, who had before exercised the office of naib soubah, or deputy viceroy, in order to give some degree of support to the expiring honour and justice of that country. The majority, namely, General Clavering, Colonel Monson, and Mr. Francis, whose names, as I have before said, will, for obedience to the Company, fidelity to the laws, honour to themselves, and a purity untouched and unimpeached, stand distinguished and honoured, in spite of all the corrupt and barking virulence of India against them. These men, I say, obeyed the Company; they had no secret or fraudulent connexion with Mahomed Reza Khân; but they reïnstated him in his office.

The moment that real death had carried away two of the most virtuous of this community, and that Mr. Hastings was

thereby reëstablished in his power, he returned to his former state of rebellion to the Company, and of fraud and oppression upon the people. And here we come to the revivificating medicine. I forgot to tell your lordships that this Nabob, whose letters were declared by a court of law, with his own approbation, to be in effect letters of the Governor-General and council, concludes a formal application transmitted to them, and dated 17th November, 1777, with a demand of the restoration of his rights. Mr. Hastings upon this enters the following minute:—"The Nabob's demands are grounded upon positive rights, which will not admit of a discussion; he has an incontestable right to the management of his own household; he has an incontestable right to the nizamut."

My lords, you have heard his affidavit, you have heard his avowed and recorded opinion. In direct defiance of both, because he wishes to make doubtful the orders of the Company and to evade his duty, he here makes without any delicacy a declaration, which, if it be true, the affidavit is a gross perjury, let it be managed with what delicacy he pleases. The word nizamut, which he uses, may be unfamiliar to your lordships. In India it signifies the whole executive government, though the word strictly means viceroyalty; all the princes of that country holding their dominions as representatives of the Mogul, the great nominal sovereign of the empire. To convince you that it does so, take his own explanation of it.—"It is his by inheritance; the adowlet and the fouzdarry having been repeatedly declared by the Company and by this government to appertain to the nizamut. The adowlet, namely, the distribution of civil justice; and the fouzdarry, namely, the executive criminal justice of that country, that is to say, the whole sovereign government of the courts of justice, have been declared by the Company to appertain to the nizamut."

I beg of your lordships to recollect, when you take into your consideration the charges of the House of Commons, that the person they accuse, and persons suborned by him, have never scrupled to be guilty, without sense of shame, of the most notorious falsehoods, the most glaring inconsistencies, and even of perjury itself; and that it is thus they make the power of the Company dead or alive, as best suits their

own wicked, clandestine, and fraudulent purposes, and the great end of all their actions and all their politics, plunder and peculation.

I must here refer your lordships to a minute of Mr. Francis's, which I recommend to your reading at large, and to your very serious recollection, in page 1086; because it contains a complete history of Mr. Hastings's conduct, and of its effects upon this occasion.

And now to proceed. The Nabob, in a subsequent application to the Company's government at Calcutta, desires that Munny Bêgum may be allowed to take on herself the whole administration of the affairs of the nizamut (not the superiority in the administration of the affairs of the seraglio only, though this would have been a tyrannical usurpation of the power belonging to the legitimate mother of the Nabob), without the interference of any person whatever; and he adds, that by this the Governor will give him complete satisfaction. In all fraudulent correspondences, you are sure to find the true secret of it at last. It has been said by somebody, that the true sense of a letter is to be learnt from its postscript. But this matter is so clumsily managed, that in contempt of all decency, the first thing the Nabob does is to desire he may be put into the hands of Munny Begum, and that without the interference of anybody whatever.

The next letter, immediately following on the heels of the former, was received by the council on the 12th of February, 1778. In this letter he desires that Mahomed Reza Khân may be removed from his office in the government; and he expresses his hopes, that as he himself is now come to years of maturity, and by the blessing of God is not so devoid of understanding as to be incapable of conducting his affairs; he says, "I am therefore hopeful, from your favour and regard to justice, that you will deliver me from the authority of the aforesaid Mahomed Reza Khân, and give your permission that I take on myself the management of the adowlet and fouzdarry."—There is no doubt of this latter application, in contradiction to the former; having arisen from a suspicion that the appointment of Munny Begum would be too gross, and would shock the council; and Mr. Hastings therefore orders the second letter to be written from the Nabob, in which he claims the powers of government for himself. Then follows

a letter from the Governor-General, informing the Nabob, that it had been agreed that his excellency being now arrived at years of maturity, the control of his own household, and the courts dependent on the nizamut and fouzdarry, should be placed in his hands; and Mahomed Reza Khân was directed, at the same time, to resign his authority to the Nabob.

Here your lordships see Munny Begum, in effect, completely invested with, and you will see how she has used her power; for I suppose your lordships are sick of the name of Nabob, as a real actor in the government. You now see the true parties in the transaction, namely, the lover, Warren Hastings, Esq.; and Munny Begum, the object of his passion and flame; to which he sacrifices as much as Antony ever did to Cleopatra. You see the object of his love and affection placed in the administration of the viceroyalty; you see placed at her disposal the administration of the civil judicature and of the executory justice, together with the salary which was intended for Mahomed Reza Khân.

Your lordships will be pleased to remember, that this distribution of the Nabob's government was made in direct defiance of the orders of the Company. And as a further proof of this defiance, it will not escape your lordships, that, before this measure was carried into execution, Mr. Barwell being one day absent from the council, Mr. Hastings fell into a minority; and it was agreed, upon that occasion, that the whole affair should be referred home to the court of directors, and that no arrangement should be made till the directors had given their opinion. Mr. Hastings, the very moment after Mr. Barwell's return to his seat in the council, rescinds this resolution, which subjected the orders of the court of directors to their own reconsideration; and he hurries headlong and precipitately into the execution of his first determination. Your lordships will also see, in this act, what sort of use Mr. Hastings made of the council; and I have therefore insisted upon all these practices of the prisoner at your bar, because there is not one of them in which some principle of government is not wounded, if not mortally wounded.

My lords, we have laid before you the consequences of this proceeding. We have shown what passed within the walls of the seraglio, and what tyranny was exercised by this woman over the multitude of women there. I shall now

show your lordships in what manner she made use of her power over the *supreme judicature*, to peculate, and to destroy the country; and I shall adduce, as proofs of this abuse of her authority, the facts I am about to relate, and of which there is evidence before your lordships. There was an ostensible man, named Sudder ul Hoe Khân, placed there at the head of the administration of justice, with a salary of £7000 a year of the Company's money. This man, in a letter to the Governor-General and council, received the 1st of September, 1778, says,—"His highness himself [the Nabob] is not deficient in regard for me, but certain bad men have gained an ascendency over his temper, by whose instigation he acts." You will see, my lords, how this poor man was crippled in the execution of his duty, and dishonoured by the corruption of this woman and her eunuchs, to whom Mr. Hastings had given the supreme government, and with it an uncontrolled influence over all the dependent parts. After thus complaining of the slights he receives from the Nabob, he adds, "Thus they cause the Nabob to treat me, sometimes with indignity, and others with kindness, just as they think proper to advise him; their view is that, by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station, or to join with them and act with their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves."—In a subsequent letter to the Governor, Sudder ul Hoe Khân says, "The Begum's ministers, before my arrival, with the advice of their counsellors, caused the Nabob to sign a receipt, in consequence of which they received, at two different times, near 50,000 rupees, in the name of the officers of the adowlet, fouzdarry, &c., from the Company's sircar; and having drawn up an account current in the manner they wished, they got the Nabob to sign it, and then sent it to me." In the same letter he asserts, that these people have the Nabob entirely in their power.

Now, I have only to remark to your lordships, that the first and immediate operation of Mr. Hastings's regulation, which put everything into the hands of this wicked woman for her corrupt purposes, was, that the office of chief justice was trampled upon and depraved, and made use of to plunder the Company of money which was appropriated to their

own uses; and that the person ostensibly holding this office was forced to become the instrument in the hands of this wicked woman and her two wicked eunuchs. This then was the representation which the chief justice made to Mr. Hastings as one of the very first fruits of his new arrangement. I am now to tell you what his next step was. This same Mr. Hastings, who had made the Nabob master of everything, and placed everything at his disposal, who had maintained that the Nabob was not to act a secondary part, and to be a mere instrument in the hands of the Company, who had, as you have seen, revived the Nabob, now puts him to death again. He pretends to be shocked at these proceedings of the Nabob, and not being able to prevent their coming before the council of the directors at home, he immediately took Sudder ul Hoe Khân under his protection.

Now your lordships see Mr. Hastings appearing in his own character again; exercising the power he had pretended to abdicate, whilst the Nabob sinks and subsides under him. He becomes the supporter of Sudder ul Hoe Khân, now that the infamy of the treatment he received could no longer be concealed from the council. On the 1st of September, 1778, the Governor informs the Nabob, "that it is highly expedient that Sudder ul Hoe Khân should have full control in all matters relative to his office, and the sole appointment and dismission of the sudder and mofussal officers; and that his seal and signature should be authentic to all papers having relation to the business intrusted to him; I therefore intimate to you that he should appoint and dismiss all the officers under him, and that your excellency should not interfere in any one."

The Nabob, in a letter to the Governor received the 3rd of September, 1778, says, "Agreeably to your pleasure, I have relinquished all concern with the affairs of the fouzdarry and adowlet, leaving the entire management in Sudder ul Hoe Khân's hands."—Here you see the Nabob again reduced to his former state of subordination. This chief justiceship, which was declared to be his inherent right, he is obliged to submit to the control of Mr. Hastings, and to declare that he will not interfere at all in a matter which Mr. Hastings had declared to be his incommunicable attribute. I do not say

that Mr. Hastings interfered improperly. Certainly it was not fit that the highest court of justice in all Bengal should be made the instrument of the rapacity of a set of villains, with a prostitute at their head; just as if a gang of thieves in England with their prostitutes at their head should seize the judge which ought to punish them, and endeavour to make use of his name in their iniquitous transactions. But your lordships will find that Mr. Hastings is here acting a merely ostensible part, and that he has always a means of defeating privately what he declares publicly to be his intention. Your lordships will see soon how this ended. Mr. Hastings gets the Nabob to give up all his authority over the chief justice; but he says not one word of Munny Begum, the person who had the real authority in her hands, and who was not forbidden to interfere with him.—Mr. Hastings's order is dated the 1st September, 1778. On the 3rd of September, the Nabob is said to have relinquished all concern with Sudder ul Hoe Khân. In a letter received the 30th of September (that is, about 27 days after the date of Mr. Hastings's order), you will see how this pretended order was managed. Sudder ul Hoe Khân thus writes in a letter received the 30th of September:—"Yattibar Ali Khân (Munny Begum's chief eunuch), from the amount of salaries of the officers of the adowlet and fouzdarry, which before my arrival he had received for two months from the sircar, made disbursements according to his own pleasure. He had before caused the sum of 7400 rupees, on account of the price of mine and my paishcars kelants, to be carried to account, and now continually sends a man to demand from me 4300 and odd rupees, as a balance of the price of kelants, and constantly presses me to take it from the amount of the salaries of the officers of the adowlet and fouzdarry and send it to him, and I shall be under the necessity of complying. I mention this for your information."

My lords, you see again how Mr. Hastings's pretended orders were obeyed; they were orders addressed to the Nabob, whom he knew to be nothing, and who could neither control nor take the least share in the execution of them; but he leaves the thing loose as to Munny Begum and her eunuchs, who he knew could alone carry them into effect. Your

lordships see that the first use made of the restored authority of the Nabob was under various pretences to leave the salaries of the officers of government unprovided for; to rob the public treasury, and to give the Company's money to the eunuchs who were acting in the manner I have stated to you.

Information of these proceedings reaches Calcutta; — a regular complaint from a person in the highest situation in the government is made, and the Governor-General is obliged again to take up the matter; and I shall now read to your lordships a letter of the 10th of October, 1778, which contains a representation, so pointed and so very just, of the fatal effects which his interference in the administration of justice had produced, as not to stand in need of any comment from me. It speaks too plainly to require any.

The Governor-General's letter to the Nabob:—"At your excellency's request, I sent Sudder ul Hoe Khân to take on him the administration of the affairs of the adowlet and fouzdarry, and hoped by that means not only to have given satisfaction to your excellency, but that through his abilities and experience these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people; and it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages, that the affairs both of the fouzdarry and adowlet are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your excellency, on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them: in reply to which your excellency expressed sentiments coincident with mine; notwithstanding which your dependants and people, actuated by selfish and avaricious views, have by their interference so impeded the business, as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your excellency will give the strictest injunctions to all your

dependants not to interfere in any manner with any matter relative to the affairs of the adowlet and fouzdarry, and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Hoe Khân. This is absolutely necessary to restore the country to a state of tranquillity; and if your excellency has any plan to propose for the management of the affairs in future, be pleased to communicate it to me, and every attention shall be paid to give your excellency satisfaction."

My lords, I think I have read enough to you for our present purpose; referring your lordships for fuller information to your minutes, page 1086, which I beg you to read with the greatest attention.

I must again beg your lordships to remark, that though Mr. Hastings has the impudence still to pretend that he wishes for the restoration of order and justice in the country, yet, instead of writing to Munny Begum upon the business, whom he knew to be the very object complained of, and whose eunuchs are expressly mentioned in the complaint, he writes to the Nabob, whom he knew to be a pageant in his own court and government, and whose name was not even mentioned in this last complaint. Not one word is said, even in this letter to the Nabob, of Munny Begum or of her eunuchs. My lords, when you consider his tacit support of the authors of the grievance, and his ostensible application for redress to the man who, he knew, never authorized and could not redress the grievance, you must conclude that he meant to keep the country in the same state for his own corrupt purposes. In this state the country in fact continued; Munny Begum and her eunuchs continued to administer and squander the Company's money, as well as the Nabob's; robberies and murders continued to prevail throughout the country. No appearance was left of order, law, or justice, from one end of Bengal to the other.

The account of this state of things was received by the court of directors with horror and indignation; on the 27th of May, 1779, they write, as you will find in page 1063 of your printed minutes, a letter to their government at Calcutta, condemning their proceedings and the removal of Ma-

homed Reza Khân; and they order that Munny Begum shall be displaced, and Mahomed Reza Khân restored again to the seat of justice.

Mr. Francis, upon the arrival of these reiterated orders, moved in council for an obedience to them. Mr. Hastings, notwithstanding he had before his eyes all the horrible consequences that attended his new arrangement, still resists that proposition. By his casting voice in the council he counterorders the orders of the court of directors, and sanctions a direct disobedience to their authority, by a resolution that Mahomed Reza Khân should not be restored to his employment, but that this Sudder ul Hoe Khân, who still continued in the condition already described, should remain in the possession of his office. I say nothing of Sudder ul Hoe Khân; he seems to be very well disposed to do his duty, if Mr. Hastings's arrangements had suffered him to do it; and indeed if Mahomed Reza Khân had been reinstated and no better supported by Mr. Hastings than Sudder ul Hoe Khân, he could, probably, have kept the country in no better order, though perhaps his name, and the authority and weight which still adhered to him in some degree, might have had some influence.

My lords, you have seen his defiance of the Company, you have seen his defiance of all decency; you see his open protection of prostitutes and robbers of every kind ravaging Bengal; you have seen his defiance of the authority of the court of directors, flatly, directly, and peremptorily persisted in to the last. Order after order was reiterated, but his disobedience arose with an elastic spring in proportion to the pressure that was upon it.

My lords, here there was a pause. The directors had been disobeyed; and you might suppose that he would have been satisfied with this act of disobedience. My lords, he was resolved to let the native governments of the country know that he despised the orders of the court of directors, and that whenever he pretended to obey them, in reality he was resolved upon the most actual disobedience. An event now happened, the particulars of which we are not to repeat here: disputes conducted on Mr. Francis's side, upon no other principle, that we can discover, but a desire to obey the Company's orders, and to execute his duty with fidelity and disinterest-

edness, had arisen between him and Mr. Hastings. Mr. Francis, about the time we have been speaking of, finding resistance was vain, reconciles himself to him; but on the most honourable terms as a public man, namely, that he should continue to follow and obey the laws, and to respect the authority of the court of directors. Upon this reconciliation it was agreed that Mahomed Reza Khân should be restored to his office. For this purpose Mr. Hastings enters a minute, and writes to the Nabob an ostensible letter. But your lordships will here see an instance of what I said respecting a double current in all Mr. Hastings's proceedings. Even when he obeys or pretends to obey the Company's orders, there is always a private channel through which he defeats them all.

Letter from Mr. Hastings to the Nabob Mobarick ul Dowlah, written the 10th of February, 1780.—"The Company, whose orders are peremptory, have directed that Mahomed Reza Khân shall be restored to the offices he held in January, 1778; it is my duty to represent this to your excellency, and to recommend your compliance with their request, that Mahomed Reza Khân may be invested with the offices assigned to him under the nizamut by the Company."

Your lordships see here that Mr. Hastings informs the Nabob, that having received peremptory orders from the Company, he restores and replaces Mahomed Reza Khân. Mahomed Reza Khân then is in possession; and in possession by the best of all titles, the orders of the Company. But you will also see the manner in which he evades his duty, and vilifies, in the eyes of these miserable country powers, the authority of the directors. He is prepared, as usual, with a defeasance of his own act, and the manner in which that defeasance came to our knowledge is this. We know nothing of this private affair, till Mr. Hastings, in his answer before the House of Commons, finding it necessary to destroy the validity of some of his own acts, brought forward Sir John D'Oyley. He was brought forward before us, not as a witness in his own person, for the defence of Mr. Hastings, but as a narrator who had been employed by Mr. Hastings as a member of that council, which, as you have heard, drew up his defence. My lords, you have already seen the public

agency of this business, you have heard read the public letter sent to the Nabob; there you see the ostensible part of the transaction. Now hear the banyan, Sir John D'Oyley, give an account of his part in it, extracted from Mr. Hastings's defence before the House of Commons.

"I was appointed resident [at the court of the Nabob] on the resignation of Mr. Byam Martin, in the month of January, 1780, and took charge about the beginning of February of the same year. The substance of the instructions I received was to endeavour by every means in my power to conciliate the good opinion and regard of the Nabob and his family, that I might be able to persuade him to adopt effectual measures for the better regulation of his expenses, which were understood to have greatly exceeded his income; that I might prevent his forming improper connexions, or taking any steps derogatory to his rank; and by every means in my power support his credit and dignity in the eyes of the world; and with respect to the various branches of his family, I was instructed to endeavour to put a stop to the dissensions which had too frequently prevailed amongst them. The Nabob on his part was recommended to pay the same attention to my advice as he would have done to that of the Governor-General in person. Some time, I think, in the month of February of the same year, I received a letter from Mr. Hastings, purporting that the critical situation of affairs requiring the union and utmost exertion of every member of the government to give vigour to the acts necessary for its relief, he had agreed to an accommodation with Mr. Francis; but to effect this point he had been under the necessity of making some painful sacrifices, and particularly that of the restoration of Mahomed Reza Khân to the office of naib soubah, a measure which he knew must be highly disagreeable to the Nabob; and which nothing but the urgent necessity of the case should have led him to acquiesce in; that he relied on me to state all these circumstances in the most forcible manner to the Nabob, and to urge his compliance; assuring him that it should not continue longer than until the next advices were received from the court of directors."

Here Mr. Hastings himself lets us into the secrets of his government. He writes an ostensible letter to the Nabob,

declaring that what he does is in conformity to the orders of the Company. He writes a private letter, in which he directs his agent to assure the Nabob that what he had done was not in compliance with the orders of the Company, but in consequence of the arrangement he had made with Mr. Francis, which arrangement he thought necessary for the support of his own personal power. His design, in thus explaining the transaction to the Nabob, was in order to prevent the native powers from looking to any other authority than his, and from having the least hopes of redress of their complaints from the justice of this country or from any legal power in it. He therefore tells him, that Mahomed Reza Khân was replaced not in obedience to the orders of the Company, but to gratify Mr. Francis. If he quarrels with Mr. Francis, he makes that a reason for disobeying the orders of his masters. If he agrees with him, he informs the people concerned in the transaction privately, that he acts not in consequence of the orders that he has received, but from other motives. But that is not all. He promises that he will take the first opportunity to remove Mahomed Reza Khân from his office again. Thus the country is to be replunged into the same distracted and ruined state in which it was before. And all this is laid open fully and distinctly before you. You have it on the authority of Sir John D'Oyley. Sir John D'Oyley is a person in the secret; and one man who is in the secret is worth a thousand ostensible persons.

Mahomed Reza Khân, I must now tell you, was accordingly reïnstated in all his offices, and the Nabob was reduced to the situation, as Mr. Hastings upon another occasion describes it, of a mere cypher. But mark what followed—mark what this Sir John D'Oyley is made to tell you, or what Mr. Hastings tells you for him; for whether Sir John D'Oyley has written this for Mr. Hastings, or Mr. Hastings for Sir John [illegible]Oyley, I do not know; because they seem, as somebody [illegible] of two great friends, that they had but one will, one bed, and one hat between them. These gentlemen who compose Mr. Hastings's council [illegible]ut one style of writing among them; so that it is impossible for you to determine by which of the masters of this Roman school any p[illegible]s written, whether by D'Oyley, by Shore, or by [illegible]s, or any other of them. They have a style in com-

mon; a kind of bank upon which they have a general credit; and you cannot tell to whose account anything is to be placed.

But to proceed:—Sir John D'Oyley says there, that the Nabob is reduced again to a cypher. Now hear what he afterwards says:—"About the month of June, 1781, Mr. Hastings, being then at Moorshedabad, communicated to me his intention of performing his promise to the Nabob, by restoring him to the management of his own affairs"—[that is to say, by restoring Munny Begum again, and by turning out Mahomed Reza Khân].—Your lordships see that he communicated privately his intentions to Sir John D'Oyley, without communicating one word of them to his colleagues in the supreme council; and without entering any minute in the records of the council, by which it could be known to the directors. Lastly, in order to show you in what manner the Nabob was to be restored to his power, I refer your lordships to the order he gave to Sir John D'Oyley, for investigating the Nabob's accounts, and for drawing up articles of instructions for the Nabob's conduct in the management of his affairs. You will there see clearly how he was restored; that is to say, that he was taken out of the hands of the first Mussulman in that country; the man most capable of administering justice, and whom the Company had expressly ordered to be invested with that authority, and to put him into the hands of Sir John D'Oyley. Is Sir John D'Oyley a Mussulman?—Is Sir John D'Oyley fit to be at the head of such a government? What was there that any person could see about him, that entitled him to, or made him a fit person to be intrusted with, this power, in defiance of the Company's orders? And yet Mahomed Reza Khân, who was to have the management of the Nabob's affairs, was himself put under the most complete and perfect subjection to this Sir John D'Oyley. But, in fact, Munny Begum had the real influence in everything. Sir John D'Oyley himself was only Mr. Hastings's instrument there to preserve it, and between them they pillaged the Nabob in the most shocking manner, and must have done so to the knowledge of Mr. Hastings.—A letter written at this time by Mr. Hastings to the Nabob discovers the secret beyond all power of evasion.

"Instructions from the Governor-General to the Nabob,

Mobarick ul Dowlah, respecting his conduct in the management of his affairs.—9th. These I make the conditions of the compliance which the Governor-General and council have yielded to your late requisition; it is but just that you should possess what is your acknowledged right, but their intention would be defeated, and you would be in a worse situation, if you were to be left a prey without a guide, until you have acquired experience (which, to the strength and goodness of your understanding, will be the work but of a short period), to the rapacity, frauds, and artifices of mankind. You have offered to give up the sum of four lacks of rupees, to be allowed the free use of the remainder of your stipend. This we have refused, because it would be contrary to justice. You should consider this as a proof of the sincerity of the above arrangements which have been recommended to you, and of their expediency to your real interest; and your attention to them will be a means of reconciling the Company to the resolution which we have taken, and which will be reported to them in a light very hurtful both to you and to us, if an improper effect should attend it. These I have ordered Sir John D'Oyley to read in your presence, and to explain them to you, that no part of them may escape your notice; and he has my positive orders to remonstrate to you against every departure from them Upon all these occasions, I hope and expect that you will give him a particular and cordial attention, and regard what he shall say as if said by myself; for I know him to be a person of the strictest honour and integrity. I have a perfect reliance on him, and you cannot have a more attached or more disinterested counsellor. Although I desire to receive your letters frequently, yet as many matters will occur which cannot so easily be explained by letter as by conversation, I desire that you will on such occasions give your orders to him respecting such points as you may desire to have imparted to me; and I, postponing every other concern, will give you an immediate and the most satisfactory reply concerning them."

My lords, here is a man who is to administer his own affairs; who has arrived at sufficient age to supersede the counsel and advice of the great Mahomedan doctors and the great nobility of the country, and he is put under the most abso-

lute guardianship of Sir John D'Oyley. But Mr. Hastings has given Sir John D'Oyley a great character. I cannot confirm it, because I can confirm the character of none of Mr. Hastings's instruments. They must stand forth here, and defend their own character before you.

Your lordships will now be pleased to advert to another circumstance in this transaction; you see here £40,000 a year offered by this man for his redemption. I will give you, he says, £40,000 a year to have the management of my own affairs. Good heavens! Here is a man who, according to Mr. Hastings's assertion, had an indisputable right to the management of his own affairs, but at the same time was notoriously so little fit to have the management of them as to be always under some corrupt tyranny or other, offers £40,000 a year out of his own revenues, to be left his own master, and to be permitted to have the disposal of the remainder: judge you of the bribery, rapine, and peculation which here stare you in the face;—judge of the nature and character of that government, for the management of which £40,000 out of £160,000 a year of its revenue is offered by a subordinate to the supreme authority of the country. This offer shows that at this time the Nabob had it not himself. Who had it? Sir John D'Oyley; he is brought forward as the person to whom is given the management of the whole. Munny Begum had the management before: but, whether it be an Englishman, a Mussulman, a white man, or a black man, a white woman, or a black woman, it is all Warren Hastings.

With respect to the four lacks of rupees, he gets Sir John D'Oyley, in the narrative that he makes before the House of Commons, positively to deny, in the strongest manner, and he says the Nabob would give oath of it, that the Nabob never gave a commission to any one to make such an offer. That such an offer was made had been long published and long in print, with the remarks such as I have made upon it in the ninth report of the select committee: that the committee had so done was well known to Mr. Hastings and Sir John D'Oyley; not one word on the part of Mr. Hastings, not one word on the part of Sir John D'Oyley, was said to contradict it, until the appearance of the latter before the House of Commons. But, my lords, there is something

much more serious in this transaction. It is this, that the evidence produced by Mr. Hastings is the evidence of witnesses who are mere phantoms: they are persons who could not, under Mr. Hastings's government, eat a bit of bread but upon his own terms, and they are brought forward to give such evidence as may answer his purposes.

You would naturally have imagined, that in the House of Commons, where clouds of witnesses had been before produced by the friends and agents of Mr. Hastings, he would then have brought forward Sir John to contradict this reported offer; but not a word from Sir John D'Oyley: at last he is examined before the committee of managers; he refuses to answer. Why? Because his answers might criminate himself. My lords, every answer that most of them have been required to make they are sensible they cannot make without danger of criminating themselves; being all involved in the crimes of the prisoner. He has corrupted and ruined the whole service; there is not one of them that dares appear and give a fair and full answer, in any case, as you have seen in Mr. Middleton and many others, at your bar.—"I will not answer this question," they say, "because it tends to criminate myself." How comes it that the Company's servants are not able to give evidence in the affairs of Mr. Hastings without its tending to criminate themselves?

Well, Sir John D'Oyley is in England; why is he not called now? I have not the honour of being intimately acquainted with him, but he is a man of a reputable and honourable family. Why is he not called by Mr. Hastings to verify the assertion, and why do they suffer this black record to stand before your lordships to be urged by us, and to press it as we do against him? If he knows that Sir John D'Oyley can acquit him of this part of our accusation, he would certainly bring him as a witness to your bar; but he knows he cannot. When, therefore, I see upon your records, that Sir John D'Oyley and Mr. Hastings received such an offer for the redemption of the Nabob's affairs out of their hands, I conclude first, that at the time of this offer the Nabob had not the disposal of his own affairs; and secondly, that those who had the disposal of them disposed of them so corruptly and prodigally, that he thought they could hardly be redeemed at too high a price. What explanation of this mat-

ter has been attempted? There is no explanation given of it at all. It stands clear, full, bare in all its nakedness before you. They have not attempted to produce the least evidence against it. Therefore, in that state I leave it with you, and I shall only add, that Mr. Hastings continued to make Munny Begum the first object of his attention; and that, though he could not entirely remove Mahomed Reza Khân from the seat of justice, he was made a cypher in it. All his other offices were taken out of his hands and put into the hands of Sir John D'Oyley, directly contrary to the orders of the Company, which certainly implied the restitution of Mahomed Reza Khân to all the offices which he had before held. He was stripped of everything but a feeble administration of justice, which, I take for granted, could not, under the circumstances, have been much better in his hands than it had been in Sudder ul Hoe Khân's.

Mr. Hastings's protection of this woman continued to the last; and when he was going away, on the third of November, 1783, he wrote a sentimental letter to the court of directors in her praise. This letter was transmitted without having been communicated to the council. You have heard of delicate affidavits; here you have a sentimental official despatch. Your lordships will find it in page 1092 and 1093 of your printed minutes. He writes in such a delicate, sentimental strain of this woman, that I will venture to say you will not find in all the Arcadia, in all the novels and romances that ever were published, an instance of a greater, a more constant, and more ardent affection, defying time, ugliness, and old age, did ever exist, than existed in Mr. Hastings towards this old woman, Munny Begum. As cases of this kind, cases of gallantry abounding in sentimental expressions, are rare in the Company's records, I recommend it as a curiosity to your lordships' reading, as well as a proof of what is the great spring and movement of all the prisoner's actions. On this occasion he thus speaks of Munny Begum.

"She too became the victim of your policy, and of the resentments which succeeded. Something too she owed of the source of her misfortunes to the belief of the personal gratitude which she might entertain for the public attention which I had shown to her; yet exposed as she was to a

treatment which a ruffian would have shuddered at committing, and which no recollection of past enmities shall compel me to believe, even for a moment, proceeded from any commission of authority, she still maintained the decorum of her character; nor even then, nor before, nor since that period, has the malice of calumny ever dared to breathe on her reputation."

Delicate! sentimental!—"Pardon, honourable sirs, this freedom of expostulation; I must in honest truth repeat, that your commands laid the first foundation of her misfortunes; to your equity she has now recourse through me for their alleviation, that she may pass the remainder of her life in a state which may at least efface the remembrance of the years of her affliction; and to your humanity she and an unseen multitude of the most helpless of her sex cry for subsistence."

Moving and pathetic!—I wish to recommend every word of this letter to your lordships' consideration, as a model and pattern of perfection. Observe his pity for a woman who had suffered such treatment from the servants of the Company (a parcel of ruffians)—treatment that a ruffian would be ashamed of! Your lordships have seen, in the evidence, what this ruffianism was. It was neither more nor less than what was necessary in order to get at the accounts, which she concealed, as his own corrupt transactions. She was told, indeed, that she must privately remove to another house, whilst her papers were examining. Mr. Hastings can never forget this. He cannot believe that anybody dare send such an order, and he calls upon you to consider the helplessness of their sex, and the affronts offered to women.

For Heaven's sake, my lords, recollect the manner in which Mr. Hastings and his creatures treated the Begums of Oude, and consider that this woman was only threatened (for the threat was never attempted to be executed) that she must, if she did not deliver up the accounts, probably be removed to another house, and leave the accounts behind her. This blot can never be effaced; and for this he desires the court of directors to make her a large allowance to comfort her in her old age. In this situation Mr. Hastings leaves her. He leaves in the situation I have described the justice of the

country. The only concern he has at parting is, that this woman may have a large allowance.

But I have yet to tell your lordships, and it appears upon your printed minutes, that this woman had a way of comforting herself:—for old ladies of that description, who have passed their youth in amusements, in dancing, and in gallantries, in their old age are apt to take comfort in brandy. This lady was a smuggler, and had influence enough to avoid payment of the duty on spirits, in which article she is the largest dealer in the district; as indeed she is in almost every species of trade. Thus your lordships see that this sentimental lady, whom Mr. Hastings recommends to the directors, had ways of comforting herself. She carried on, notwithstanding her dignity, a trade in spirits. Now a Mahomedan of distinction never carries on any trade at all; it is an unknown thing; very few Mahomedans of any rank carry on any trade at all; but that a Mahomedan should carry on a trade in spirits is a prodigy never heard of before; for a woman of quality, for a woman of sentiment, to become a dealer in spirits, is, my lords, a thing reserved for the sentimental age of Mr. Hastings; and I will venture to say, that no man or woman could attempt any such a trade in India without being dishonoured, ruined in character, and disgraced by it. But she appears not only to have been a dealer in it, but, through the influence which Mr. Hastings gave her, to have monopolized the trade in brandy, and to have evaded the duties. This then is the state in which we leave the two sentimental lovers, the one consoling herself with brandy, the other wheedling and whining; and, as Swift describes the progress of an intrigue in some respects similar, which he calls the *progress of love*, whereas this is the progress of sentiment,

> "They keep at Staines the Old Blue Boar,
> Are cat and dog, and rogue and whore."

Here they set up the sign of the Old Blue Boar. Munny Begum monopolizes the trade in spirits; and hence she and Mr. Hastings commence their sentimental correspondence. And now having done with this progress of love, we return to the progress of justice.

We have seen how Sudder ul Hoe Khân, the chief justice of Mr. Hastings's own nomination, was treated. Now you

shall see how justice was left to shift for herself under Mahomed Reza Khân. In page 1280 of your lordships' minutes, you will see the progress of all these enormities, of Munny Begum's dealing in spirits, of her engrossing the trade, of her evading duties, and lastly, the extinction of all order in that country and the funeral of justice itself. Mr. Shore's evidence respecting this state of the country will admit of no doubt.

Mr. Shore's remarks accompanying the Governor-General's minutes of the 18th May, 1785.—"Fouzdarry jurisdiction. —Of the fouzdarry jurisdiction nothing has yet been said. In this department criminal justice is administered, and it is the only office left to the Nabob. I do not see any particular reason for changing the system itself, and perhaps it would on many accounts be improper; but some regulations are highly necessary. Mahomed Reza is at the head of this department, and is the only person I know in the country qualified for it. If he were left to himself, I have not a doubt but he would conduct it well; but he is so circumscribed by recommendations of particular persons, and by the protection held out to his officers by Europeans, that to my knowledge he has not been able to punish them, even when they have been convicted of the greatest enormities; and he has often on this account been blamed, where his hands were tied up."

My lords, you now see in this minute of Sir John Shore, now Governor-General of Bengal, one of Mr. Hastings's own committee for drawing up his defence, the review which he had just then taken of the ruins of the government, which had been left to him by Mr. Hastings. You see here not the little, paltry things which might deserve in their causes the animadversion of a rough satirist, like Doctor Swift, whom I have just quoted; but you see things ten thousand times more serious; things that deserve the thunderbolt of vindictive justice upon the head of the prisoner at your bar. For you see that after he had ostensibly restored Mahomed Reza Khân, the man who could and would have executed his office with fidelity and effect, the man who was fit for and disposed to do his duty, there was still neither law, order, nor justice in the country. Why? Because of the interposition of Europeans, and men who must have been patronized

and supported by Europeans. All this happened before Mr. Hastings's departure ; so that the whole effect of the new arrangement of government was known to him before he left Calcutta. The same pretended remedy was applied. But in fact he left this woman in the full possession of her power. His last thoughts were for her; for the justice of the country, for the peace and security of the people of Bengal, he took no kind of care; these great interests were left to the mercy of the woman and her European associates.

My lords, I have taken some pains in giving you this history. I have shown you his open acts and secret stratagems, in direct rebellion to the court of directors; his double government, his false pretences of restoring the Nabob's independence, leading in effect to a most servile dependence, even to the prohibition of the approach of any one, native or European, near him, but through the intervention of Sir John D'Oyley.—I therefore again repeat it, that Sir John D'Oyley, and the English gentlemen who were patronized and countenanced by Mr. Hastings, had wrought all that havoc in the country before Mr. Hastings left it.

I have particularly dwelt upon the administration of justice, because I consider it as the source of all good, and the mal-administration of it as the source of all evil in the country. Your lordships have heard how it was totally destroyed by Mr. Hastings through Sir John D'Oyley, who was sent there by him for the purpose of forming a clandestine government of corruption and peculation. This part of our charge speaks for itself, and I shall dismiss it with a single observation; that not the least trace of an account of all these vast sums of money, delivered into the hands of Sir John D'Oyley for the use of the Nabob, appears in any part of the Company's records. The undeniable inferences to be drawn from this fact are, first, that wherever we find concealment of money and the ceasing of an account, there has been fraud: —and secondly, that if we find this concealment accompanied with the devastation of a country and the extinction of justice in it, that devastation of the country and that extinction of justice have been the result of that fraudulent peculation.

I am sure your lordships will not think that a charge of the annihilation of administrative justice, in which the hap-

piness and prosperity of a great body of nobility, of numerous, ancient, and respectable families, and of the inhabitants in general of extensive and populous provinces, are concerned, can, if it stood single and alone, be a matter of trifling moment. And in favour of whom do all these sacrifices appear to have been made? In favour of an old prostitute, who, if shown to your lordships here, like Helen to the counsellors of Troy, would not, I think, be admitted to have charms that could palliate this man's abominable conduct; you would not cry out with them—

> "Οὐ νέμεσις.——
> Τοιῇ δ' αμφὶ γυναικὶ πολὺν χρόνον ἄλγεα πασχειν."

For I will fairly say, that there are some passions that have their excuses; but the passion towards this woman was the passion of avarice and rapacity only,—a passion indeed which lasted to the end of his government, and for which he defied the orders of the court of directors, rebelled against his masters, and finally subverted the justice of a great country.

My lords, I have done with this business. I come next to the third division of the natives, those who form the landed interest of the country. A few words only will be necessary upon this part of the subject. The fact is, that Mr. Hastings, at one stroke, put up the property of all the nobility and gentry, and of all the freeholders—in short, the whole landed interests of Bengal, to a public auction, and let it to the highest bidder. I will make no observations upon the nature of this measure to your lordships, who represent so large a part of the dignity, together with so large a part of the landed interest of this kingdom; though I think that, even under your lordships' restrictive order, I am entitled so to do; because we have examined some witnesses upon this point, in the revenue charge. Suffice it to say, that it is in evidence before your lordships that this sale was ordered. Mr. Hastings does not deny it. He says, indeed, he did it, not with an ill intention. My answer is, that it could have been done with no other than a bad intention. The owners of the land had no way left to save themselves but to become farmers of their own estates, and from the competition which naturally took place, and he himself declared, that

the persons, whether owners or strangers, to whom he let the lands, had agreed to rents which surpassed their abilities to pay. I need not tell you what must have been the consequence, when it got into such rapacious hands, and was taken out of the hands of its natural proprietors; that the public revenue had sunk and lost by it; and that the country was wasted and destroyed. I leave it to your lordships' own meditation and reflection; and I shall not press it one step further, than just to remind you of what has been so well opened and pressed by my fellow-managers. He, Mr. Hastings, confesses that he let the lands to his own banyans; he took his own domestic servants and put them in the houses of the nobility of the country; and this he did in direct violation of an express order made by himself, that no banyan of a collector (the spirit of which order implied ten thousand times more strongly the exclusion of any banyans of a Governor-General) should have any one of those farms. We also find that he made a regulation that no farmers should rent more than a lack of rupees; but at the same time we find his banyans holding several farms to more than that amount. In short, we find that in every instance where, under some plausible pretence or other, the fixed regulations are violated, it touches him so closely as to make it absolutely impossible not to suppose that he himself had the advantage of it.

For, in the first place, you have proof that he does take bribes, and that he has corrupt dealings. This is what he admits; but he says that he has done it from public-spirited motives. Now there is a rule formed upon a just, solid presumption of law, that if you find a man guilty of one offence contrary to known law, whenever there is a suspicious case against him of the same nature, the *onus probandi* that he is not guilty is turned upon him. Therefore, when I find the regulations broken, when I find farms given of more than a lack of rupees, when I find them given to the Governor-General's own banyan, contrary to the principle of the regulation—contrary, I say, in the strongest way to it; when I find that he accumulates farms beyond the regulated number; when I find all these things done, and besides that the banyan has great balances of account against him, then, by the presumption of law, I am bound to believe that all this was done not for the servants, but for the master

It is possible Mr. Hastings might really be in love with Munny Begum; be it so—many great men have played the fool for prostitutes, from Mark Antony's days downwards; but no man ever fell in love with his own banyan. The persons for whom Mr. Hastings was guilty of all this rapine and oppression have neither relations nor kindred whom they own; nor does any trace of friendship exist among them; they do not live in habits of intimacy with any one; they are good fellows and bottle companions.

I must now proceed to observe upon another matter which has been stated to your lordships—namely, that as soon as he obtained the majority in the council (that beginning of all evils, that opening of Pandora's box) by the death of General Clavering and Colonel Monson, the first thing he did was to appoint a commission, called an *aumeeny*, to go through the whole country, to enter every man's house, to examine his title deeds, and to demand his papers of accounts of every kind, for the purpose of enabling himself to take advantage of the hopes and fears of all the parties concerned, and thus to ravage and destroy all their property.

And whom does he place at the head of this commission to be the manager of the whole affair? Gunga Govin Sing, another banyan of his, and one of his own domestic servants. This we have discovered lately, and not without some surprise; for though I knew he kept a rogue in his house, yet I did not think that it was a common receptacle of thieves and robbers.—I did not know till lately, that this Gunga Govin Sing was his domestic servant; but Mr. Hastings, in a letter to the court of directors, calls him his faithful domestic servant, and as such calls upon the Company to reward him. To this banyan all the Company's servants are made subject; they are bound to obey all his orders, and those of his committee. I hope I need not tell your lordships what sort of stuff this committee was made of, by which Gunga Govin Sing was enabled to ravage the whole country. But, say his counsel, Mr. Hastings thought that the value of the lands was thoroughly known; they had been investigated three times over, and they were all let by public auction to the highest bidder. This may or may not be a true test of their value, but it is a test which, as it led to the almost entire confiscation of the landed interest of Bengal, Bahar,

and Orissa, three great kingdoms, by a dash of that man's pen, into the hands of his banyans and creatures, I can never think of it, or of its author, without horror.

Some people say you ought to hate the crime and love the criminal. No; that is the language of false morality; you ought to hate the crime and the criminal, if the crime is of magnitude. If the crime is a small one, then you ought to be angry with the crime and reluctant to punish the criminal; but when there are great crimes, then you may hate them together. What! am I to love Nero? To fall in love with Heliogabalus? Is Domitian to be the subject of my affection? No; we hate the crime, and we hate the criminal ten times more; and if I use indignant language, if I use the language of scorn and horror with respect to the criminal, I use the language that becomes me.

But, says one of the counsel, the Company might possess a knowledge of the country in general, but they could not know every beegah of it (about the third part of an acre of land) without such a commission. That is to say, you could not squeeze everything out of the people without ordering such a villain as Gunga Govin Sing (I call things by their names), that most atrocious and wicked instrument of the most atrocious and wicked tyranny, to examine every man's papers—to oblige every man to produce his titles and accounts upon pain of criminal punishment, to be inflicted at the discretion of this commissioner, this Gunga Govin Sing. For an account of these acts, and for a description of an aumeeny, I refer your lordships to the evidence in your minutes, from page 1287 to 1301, and I pass on, expressing only my horror and detestation at it, and wishing to kindle in your lordships' minds the same horror and detestation of it.

Thus you see that Mr. Hastings was not satisfied with confiscation only. He comes just afterwards with a blister upon the sore. He lets loose another set of ravagers and inquisitors upon them, under Gunga Govin Sing, and these poor people are ravaged by the whole tribe of Calcutta banyans.

Mr. Hastings has himself defined an aumeen in page 1022, where he states that Nundcomar desired him to make his son an aumeen. "The promise which he (Nundcomar) says I made him, that he should be constituted aumeen, that is,

inquisitor-general over the whole country, and that I would delegate to him my whole power and influence, is something more than a negative falsehood." He justly and naturally reprobates the proposition of appointing an inquisitor-general over the whole country; and yet we see him afterwards appointing Gunga Govin Sing such an inquisitor-general over the whole country, in order that a beegah of land should not escape him.

Let us see how all this ended, and what it is that leads me directly to the presumption of corruption against him in this wicked *aumeeny* scheme. Now I will admit the whole scheme to have been well intended; I will forgive the letting all the lands of Bengal by public auction; I will forgive all he has done with regard to his banyans; I shall forgive him even this commission itself, if he will show your lordships that there was the smallest use made of it with regard to the settlement of the revenues of the Company. If there was not, then there is obviously one use only that could be made of it, namely, to put all the people of the whole country under obedience to Gunga Govin Sing. What then was done? Titles and accounts were exacted; the estimate was made, acre by acre; but we have not been able to find one word on their records of any return that was made to the Company of this investigation, or of any settlement or assessment of the country founded upon it, or of any regulation that was established upon it. Therefore, as an honest man, and as a man who is standing here for the Commons of Great Britain, I must not give way to any idle doubts and ridiculous suppositions. I cannot, I say, entertain any doubts, that the only purpose it was designed to answer was to subject the whole landed interest of the country to the cruel inquisition of Gunga Govin Sing, and to the cruel purposes of Mr. Hastings. Show me another purpose, and I will give up the argument; for if there are two ways of accounting for the same act, it is possible it may be attributed to the better motive; but when we see that a bad thing was done under pretence of some good, we must attach a bad motive to it if the pretence be never fulfilled.

I have now done with the landed interest of Bengal. I have omitted much which might have been pressed upon your lordships, not from any indisposition to remark upon

the matter more fully, but because it has been done already by abler persons. I only wished to make some practical inferences, which, perhaps, in the hurry of my brother managers might possibly have escaped them; I wished to show you that one system of known or justly presumed corruption pervades the whole of this business, from one end to the other. Having thus disposed of the native landed interest, and the native zemindars or landholders of the country, I pass to the English government.

My lords, when we have shown plainly the utter extinction of the native Mahomedan government; when we have shown the extinction of the native landed interest; what hope can there be for that afflicted country but in the servants of the Company? When we have shown the corrupt state of that service, what hope but for the court of directors? What hope but in the superintending control of British tribunals? I think as well of the body of my countrymen as any man can do. I do not think that any man sent out to India is sent with an ill purpose, or goes out with bad dispositions. No. I think the young men who go there are fair and faithful representatives of the people of the same age; uncorrupted, but corruptible from their age, as we all are. They are sent there young. There is but one thing held out to them—You are going to make your fortune. The Company's service is to be the restoration of decayed noble families; it is to be the renovation of old and the making of new ones. Now when such a set of young men are sent out with these hopes and views, and with little education or a very imperfect one; when these people, from whatever rank of life selected,—many from the best, most from the middling, very few from the lowest,—but high, middling, or low, they are sent out to make two things coincide, which the wit of man was never able to unite—to make their fortune and form their education, at once. What is the education of the generality of the world? Reading a parcel of books? No. Restraint of discipline, emulation, examples of virtues and of justice, form the education of the world. If the Company's servants have not that education, and are left to give loose to their natural passions, some would be corrupt of course, and some would be uncorrupt; but probably the majority of them would be inclined to pursue mo-

derate courses between these two. Now I am to show you that Mr. Hastings left these servants but this alternative—be starved; be depressed; be ruined; disappoint the hopes of your families: or be my slaves; be ready to be subservient to me in every iniquity I shall order you to commit, and to conceal everything I shall wish you to conceal. This was the state of the service; therefore the Commons did well and wisely when they sent us here not to attack this or that servant who may have peculated, but to punish the man who was sent to reform abuses, and to make Bengal furnish to the world a brilliant example of British justice. I shall now proceed to state briefly the abuses of the Company's government; to show you what Mr. Hastings was expected to do for their reformation, and what he actually did do; I shall then show your lordships the effects of the whole.

I shall begin by reading to your lordships an extract from the directors' letter to Bengal, of the 7th April, 1773:—"We wish we could refute the observation, that almost every attempt made by us and our administrations at your presidency for the reforming of abuses has rather increased them, and added to the miseries of the country we are anxious to protect and cherish. The truth of this observation appears fully in the late appointment of supervisors and chiefs—instituted as they were to give relief to the industrious tenants, to improve and enlarge our investments, to destroy monopolies, and retrench expenses, the end has by no means been answerable to the institution. Are not the tenants more than ever oppressed and wretched? Are our investments improved? Have not the raw silk and cocoons been raised upon us fifty per cent. in price? We can hardly say what has not been made a monopoly; and as to the expenses of your presidency, they are at length settled to a degree we are no longer able to support. These facts (for such they are) should have been stated to us as capital reasons why neither our orders of 1771, nor indeed any regulations whatever, could be carried into execution. But, perhaps, as this would have proved too much, it was not suggested to us; for nothing could more plainly indicate a state of anarchy, and that there was no government existing in our servants at Bengal.

"And therefore when oppression pervades the whole country, when youths have been suffered with impunity to exer-

cise sovereign jurisdiction over the natives, and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality.

"It is evident then that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is therefore our resolution to aim at the root of those evils, and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company's prosperity.

"In order to effectuate this great end, the first step must be to restore perfect obedience and due subordination to your administration. Our Governor and council must reässume and exercise their delegated powers upon every just occasion; punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which to the reproach of government prevailed in Bengal. Our president, Mr. Hastings, we trust will set the example of temperance, economy, and application; and upon this we are sensible much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings's services upon the coast of Choromandel, in constructing with equal labour and ability the plan which has so much improved our investments there; and as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he in return may depend on the steady support and favour of his employers.

"Your settlement being thus put into a train of reform (without which indeed all regulations will prove ineffectual), you are next to revert to the old system, when the business of your presidency was principally performed by our own servants, who then had knowledge of our investments, and every other department of our concerns; you will therefore fill the several offices with the factors and writers upon your establishment; for with our present appointments we are assured there will be sufficient for this purpose; and thus

you will banish idleness, and its attendants, extravagance and dissipation. And here we enjoin you to transmit to us a faithful and minute state of the pay and every known emolument of all below council; for as it is notorious that even youths in our service expend in equipage, servants, dress, and living, infinitely more than our stated allowances can afford, we cannot but be anxious to discover the means by which they are enabled to proceed in this manner. And indeed so obnoxious is this conduct to us, and so injurious in its consequences, that we expect and require you to show your displeasure to all such as shall transgress in this respect, contrasting it at the same time with instances of kindness towards the sober, frugal, and industrious."

My lords, you see the state in which the directors conceived the country to be—that it was in this state is not denied by Mr. Hastings, who was sent out for the purpose of reforming it. The directors had swept away almost the whole body of their Bengal servants for supposed corruption; and they appointed a set of new ones, to regenerate, as it were, the government of that country. Mr. Hastings says,—I was brought to India like other people. This, indeed, is true; and I hope it will prove an example and instruction to all mankind, never to employ a man who has been bred in base and corrupt practices, from any hope that his local knowledge may make him the fittest person to correct such practices. Mr. Hastings goes on to say, that you could not expect more from him than could be done by a man bred up, as he was, in the common habits of the country. This is also true. My lords, you might as well expect a man to be fit for a perfumer's shop, who has lain a month in a pig's sty, as to expect that a man, who has been a contractor with the Company for a length of time, is a fit person for reforming abuses. Mr. Hastings has stated in general his history, his merits, and his services; we have looked over with care the records relative to his proceedings, and we find that in 1760 and 1761 he was in possession of a contract for bullocks and a contract for provisions. It is no way wrong for any man to take a contract, provided he does not do what Mr. Hastings has condemned in his regulations, become a contractor with his masters.

But though I do not bear upon Mr. Hastings for having spent his time in being a bullock contractor, yet I say that he ought to have laid aside all the habits of a bullock contractor when he was made a great minister for the reformation of a great service full of abuses. I will show your lordships that he never did so; that, on the contrary, being bred in those bad habits, and having had the education that I speak of, he persevered in the habits which had been formed in him, to the very last. I understand it has been imputed as a sort of a crime in me, that I stated something of the obscurity of Mr. Hastings's birth. The imputation has no foundation. Can it be believed that any man could be so absurd as to attack a man's birth, when he is accusing his actions? No; I have always spoken of the low, sordid, and mercenary habits in which he was bred; I said nothing of his birth.

But, my lords, I was a good deal surprised when a friend of his and mine, yesterday morning, put into my hands, who had been attacking Mr. Hastings's life and conduct, a pedigree. I was appealing to the records of the Company; they answer by sending me to the Herald's Office. Many of your lordships' pedigrees are obscure, in comparison with that of Mr. Hastings, and I only wonder how he came to derogate from such a line of nobles, by becoming a contractor for bullocks.

A man may be an honest bullock contractor; God forbid that many of them in this country should not be very honest; but I find his terms were nearly four times as high as those which the House of Commons had condemned as exorbitant; they were not only unusually high, but the bullocks were badly supplied, and the contract had not been fairly advertised. It was therefore agreed to declare the same void at the expiration of twelve months, on the 1st December, 1763.

I say again, that I do not condemn him for being a bullock contractor, but I am suspicious of his honesty, because he has been nursed in bad and vicious habits. That of contracting with his masters is a bad habit, as he himself has stated in a record which is printed by the House of Commons. I condemn him for being a fraudulent bullock contractor; for he was turned out of that contract for fraudulent practices; it was declared void, and given to another at a lower price. After it was so disposed of, Mr. Hastings him

self, condemning his own original contract, which was at twelve rupees for a certain species of bullocks, took the contract again at seven; and on these terms it continued. What I therefore contend for is this, that he carried with him the spirit of a fraudulent bullock contractor through the whole of the Company's service, in its greatest and most important parts.

My lords, the wading through all these corruptions is an unpleasant employment for me; but what am I to think of a man who holds up his head so high, that, when a matter of account is in discussion, such as appears in this very defence that I have in my hand, he declares he does not know anything about it? He cannot keep accounts—that is beneath him. We trace him throughout the whole of his career, engaged in a great variety of mercantile employments; and yet, when he comes before you, you would imagine that he had been bred in the study of the sublimest sciences, and had no concern in anything else; that he had been engaged in writing a poem, an Iliad, or some work that might revive fallen literature. There is but one exception to his abhorrence of accounts. He always contrives to make up a good account for himself.

My lords, we have read to you a letter in which the court of directors have described the disorders of their service—the utter ruin of it—the corruption that prevailed in it—and the destruction of the country by it.—When we are said to exaggerate, we use no stronger words than they do. We cannot mince the matter; your lordships should not mince it; no little, paltry delicacies should hinder you, when there is a country expiring under all these things, from calling the authors to a strict account. The court of directors sent him that statement; they recommended to him a radical reformation. What does he do? We will read his letter of 1773, in which you will find seeds sown for the propagation of all those future abuses, which terminated in the utter and irremediable destruction of the whole service. After he has praised the directors for the trust that they had placed in him, after expressing his highest gratitude, and so on; he says, "While I indulge the pleasure which I receive from the past successes of my endeavours, I own I cannot refrain from looking back with a mixture of anxiety on the omissions, by which I am

sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your honourable court, and to the secret committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you have been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them, had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability; at the same time I will boldly take upon me to affirm, that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were intrusted with it; and even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records, to the testimony of those who have opportunities of knowing me, and even to the detail which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed; yet such are the cares and embarrassments of this various state, that although much may be done, much more even in matters of moment must necessarily remain neglected. To select from the miscellaneous heap, which each day's exigencies present to our choice, those points on which the general welfare of your affairs most essentially depends, to provide expedients for future advantages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service, with their united labours most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty, which are those of your interest, to endless researches, which can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence, both here and at home."

My lords, you see here that after admitting that he has promised to the court of directors to do what they ordered him to do (and he had promised to make a radical reform in their whole service, and to cure those abuses which they have stated), he declares that he will not execute them; he pleads a variety of other occupations; but as to that great funda-

mental grievance he was appointed to eradicate, he declares he will not even attempt it. Why did you promise? it naturally occurs to ask him that question. "Why," says he, "you will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them, had I known my inability to perform them." This is a kind of argument that belongs to Mr. Hastings exclusively. Most other people would say, You may judge of the sincerity of my promises by my zeal in the performance; but he says, you may judge of the sincerity of my promises, because I would not promise if I had not thought I should be able to perform. It runs in this ridiculous circle. I promised to obey the court of directors; therefore I knew that I could obey them; but I could not obey them, therefore I was absolved from my promise, and did not attempt to obey them. In fact there is not so much as one grievance or abuse in the country that he reformed—and this was systematical in Mr. Hastings's conduct; that he was resolved to connive at the whole of the iniquities of the service, because he was resolved that every one of those existing iniquities should be practised by himself. But, says he, the reformation required can produce no real good, and may expose your affairs to all the ruinous consequences of personal malevolence both here and at home. This he gives you as a reason why he will not prosecute the inquiry into abuses abroad—because he is afraid that you should punish him at home for doing his duty abroad—that it will expose him to malevolence at home; and therefore to avoid being subject to malevolence at home, he would not do his duty abroad.

He follows this with something that is perfectly extraordinary; he desires, instead of doing his duty (which he declares it is impossible to do), that he may be invested with an arbitrary power. I refer your lordships to pages 2827, 2828, and 2829 of the printed minutes, where you will find the system of his government to be formed upon a resolution not to use any one legal means of punishing corruption, or for the prevention of corruption; all that he desires is to have an absolute arbitrary power over the servants of the Company. There you will see, that arbitrary power for corrupt purposes over the servants of the Company is the foundation of every part of his whole conduct. Remark what he

says here; and then judge whether these inferences are to be eluded by any chicane.

"In the charge of oppression, although supported by the cries of the people and the most authentic representations, it is yet impossible, in most cases, to obtain legal proofs of it; and unless the discretionary power which I have recommended be somewhere lodged, the assurance of impunity from any formal inquiry will baffle every order of the board; as, on the other hand, the fear of the consequences will restrain every man within the bounds of his duty, if he knows himself liable to suffer by the effects of a single control."

My lords, you see two things most material for you to consider in the judgment of this great cause, which is the cause of nations. The first thing for you to consider is the declaration of the culprit at your bar, that a person may be pursued by the cries of a whole people; that documents the most authentic and satisfactory, but deficient in technical form, may be produced against him; in short, that he may be guilty of the most enormous crimes, and yet that legal proofs may be wanting. This shows you how seriously you ought to consider, before you reject any proof upon the idea that it is not technical legal proof. To this assertion of Mr. Hastings I oppose, however, the opinion of a gentleman who sits near his side, Mr. Sumner, which is much more probable.

Mr. Hastings says that the power of the council is not effectual against the inferior servants, that is, too weak to coërce them. With much more truth Mr. Sumner has said in his minute, you might easily coërce the inferior servants; but that the dread of falling upon persons in high stations discourages and puts an end to complaint.—I quote the recorded authority of the gentleman near him, as being of great weight in the affairs of the Company, to prove, what is infinitely more probable, the falsehood of Mr. Hastings's assertion, that an inferior servant cannot be coërced; and that they must riot with impunity in the spoils of the people.

But we will go to a much more serious part of the business; after desiring arbitrary power in this letter, he desires a perpetuation of it. And here he has given you a description

of a bad governor, to which I must call your attention, as your lordships will find it, in every part of his proceeding, to be exactly applicable to himself and to his own government.

"The first command of a state so extensive as that of Bengal is not without opportunities of private emoluments; and although the allowance which your bounty has liberally provided for your servants may be reasonably expected to fix the bounds of their desires, yet you will find it extremely difficult to restrain men from profiting by other means, who look upon their appointment as the measure of a day, and who, from the uncertainty of their condition, see no room for any acquisition but of wealth, since reputation and the consequences which follow the successful conduct of great affairs are only to be attained in a course of years. Under such circumstances, however rigid your orders may be, or however supported, I am afraid that, in most instances, they will produce no other fruits than either avowed disobedience, or the worst extreme of falsehood and hypocrisy. These are not the principles which should rule the conduct of men whom you have constituted the guardians of your property, and checks on the morals and fidelity of others. The care of self-preservation will naturally suggest the necessity of seizing the opportunity of present power, when the duration of it is considered as limited to the usual term of three years, and of applying it to the provision of a future independency; therefore every renewal of this term is liable to prove a reiterated oppression. It is perhaps owing to the causes which I have described, and a proof of their existence, that this appointment has been for some years past so eagerly solicited, and so easily resigned. There are yet other inconveniences attendant on this habit, and perhaps an investigation of them all would lead to endless discoveries. Every man whom your choice has honoured with so distinguished a trust seeks to merit approbation, and acquire an eclat by innovations, for which the wild scene before him affords ample and justifiable occasion."

You see, my lords, he has stated that, if a Governor is appointed to hold his office only for a short time, the consequence would be, either an avowed disobedience, or, what is

worse, extreme falsehood and hypocrisy. Your lordships know that this man has held his office for a long time, and yet his disobedience has been avowed, and his hypocrisy and his falsehood have been discovered, and have been proved to your lordships in the course of this trial. You see this man has declared what are the principles which should rule the conduct of men whom you have constituted the guardians of your property, and checks upon the morals and fidelity of others. Mr. Hastings tells you himself directly what his duty was; he tells you himself, and he pronounces his own condemnation, what was expected from him, namely, that he should give a great example himself, and be a check and guardian of the fidelity of all that are under him. He declares at the end of this letter, that a very short continuance in their service would enable him to make a fortune up to the height of his desire. He has since thought proper to declare to you that he is a beggar and undone, notwithstanding all his irregular resources, in that very service. I have read this letter to your lordships, that you may contrast it with the conduct of the prisoner, as stated by us and proved by the evidence we have adduced. We have stated and proved, that Mr. Hastings did enter upon a systematic connivance at the peculation of the Company's servants—that he refused to institute any check whatever for the purpose of preventing corruption; and that he carried into execution no one measure of government, agreeably to the positive and solemn engagements into which he had entered with the directors. We therefore charge him not only with his own corruptions, but with a sympathetic, premeditated corruption, of the whole service, from the time when he was appointed, in the beginning of the year 1772, down to the year 1785, when he left it. He never attempted to detect any one single abuse whatever; he never endeavoured once to put a stop to any corruption, in any man black or white, in any way whatever. And thus he has acted in a government of which he himself declares the nature to be such, that it is almost impossible so to detect misconduct as to give legal evidence of it, though a man should be declared by the cries of the whole people to be guilty.

My lords, he desires an arbitrary power over the Company's servants to be given to him. God forbid arbitrary power

should be given into the hands of any man! At the same time, God forbid, if by power be meant the ability to discover, to reach, to check, and to punish subordinate corruption, that he should not be enabled so to do, and to get at, to prosecute, and punish delinquency by law. But honesty only, and not arbitrary power, is necessary for that purpose. We well know, indeed, that a government requiring arbitrary power has been the situation in which this man has attempted to place us.

We know also, my lords, that there are cases, in which the act of the delinquent may be of consequence, while the example of the criminal, from the obscurity of his situation, is of little importance: in other cases, the act of the delinquent may be of no great importance, but the consequences of the example dreadful. We know that crimes of great magnitude, that acts of great tyranny, can but seldom be exercised, and only by a few persons. They are privileged crimes. They are the dreadful prerogatives of greatness and of the highest situations only. But when a Governor-General descends into the muck and filth of peculation and corruption, when he receives bribes and extorts money, he does acts that are imitable by everybody. There is not a single man, black or white, from the highest to the lowest, that is possessed in the smallest degree of momentary authority, that cannot imitate the acts of such a Governor-General. Consider, then, what the consequences will be, when it is laid down as a principle of the service, that no man is to be called to account according to the existing laws; and that you must either give, as he says, arbitrary power, or suffer your government to be destroyed.

We asked Mr. Anderson whether the covenant of every farmer of the revenue did not forbid him from giving any presents to any persons, or taking any. He answered, he did not exactly remember (for the memory of this gentleman is very indifferent, though the matter was in his own particular province), but he thought it did; and he referred us to the record of it. I cannot get at the record; and therefore you must take it as it stands from Mr. Anderson, without a reference to the record,—that the farmers were forbidden to take or give any money to any person whatever, beyond their engagements. Now, if a Governor-General comes to that

farmer, and says, You must give a certain sum beyond your engagements—he lets him loose to prey upon the landholders and cultivators, and thus a way is prepared for the final desolation of the whole country, by the malversation of the Governor, and by the consequent oppressive conduct of the farmers.

Mr. Hastings being now put over the whole country to regulate it, let us see what he has done; he says, Let me have an arbitrary power, and I will regulate it. He assumed arbitrary power, and turned in and out every servant at his pleasure. But did he by that arbitrary power correct any one corruption? Indeed how could he? He does not say he did; for when a man gives ill examples in himself, when he cannot set on foot an inquiry that does not terminate in his own corruption, of course he cannot institute any inquiry into the corruption of the other servants.

But again, my lords, the subordinate servant will say, I cannot rise (properly here, as Mr. Hastings has well observed) to the height of greatness, power, distinction, rank, or honour in the government; but I can make my fortune according to my degree, my measure, and my place. His views will be then directed so to make it. And when he sees that the Governor-General is actuated by no other views; when he himself, as a farmer, is confidently assured of the corruptions of his superior, when he knows it to be laid down as a principle by the Governor-General that no corruption is to be inquired into; and that if it be not expressly laid down, yet that his conduct is such as to make it the same as if he had actually so laid it down; then, I say, every part of the service is instantly and totally corrupted.

I shall next refer your lordships to the article of contracts; five contracts have been laid before you, the extravagant and corrupt profits of which have been proved to amount to £500,000. We have shown you, by the strongest presumptive evidence, that these contracts were given for the purpose of corrupting the Company's servants in India, and of corrupting the Company itself in England. You will recollect that £40,000 was given in one morning for a contract (which the contractor was never to execute), I speak of Mr. Sullivan's contract. You will also recollect, that he was the son of the principal person in the Indian direction; and who,

in or out of office, was known to govern it; and to be supported by the whole Indian interest of Mr. Hastings.

You have seen the corruption of Sir Eyre Coote, in giving to Mr. Croftes the bullock contract. You have seen the bullock contracts, stated to Mr. Hastings's face, and not denied to have been made for concealing a number of corrupt interests. You have seen Mr. Auriol's contract given to the secretary of the Company by Mr. Hastings, in order that he might have the whole records and registers of the Company under his control. You have seen that the contract and commission for the purchase of stores and provisions, an enormous job, was giving to Mr. Belli, an obscure man, for whom Mr. Hastings offers himself as security, under circumstances that went to prove that Mr. Belli held this commission for Mr. Hastings. These, my lords, are things that cannot be slurred over; the Governor-General is corrupt, he corrupts all about him; he does it upon system; he will make no inquiry.

My lords, I have stated the amount of the sums which he has squandered away in these contracts; but you will observe that we have brought forward but five of them. Good God! When you consider the magnitude and multiplicity of the Company's dealings, judge you what must be the enormous mass of that corruption, of which he has been the cause, and in the profits of which he has partaken. When your lordships shall have considered (this document) his defence, which I have read in part to you, see whether you are not bound, when he imputes to us and throws upon us the cause of all his corruption, to throw back the charge by your decision, and hurl it with indignation upon himself.

But there is another shameless and most iniquitous circumstance, which I have forgotten to mention, respecting these contracts. He not only considered them as means of present power, and therefore protected his favourites, without the least inquiry into their conduct, and with flagrant suspicion of a corrupt participation in their delinquency; but he goes still farther; he declares, that, if he should be removed from his government, he will give them a lease in these exorbitant profits, for the purpose of securing a corrupt party to support and bear him out by their evidence, upon the event of any inquiry into his conduct; to give him a razynama, to

give him a flourishing character, whenever he should come upon his trial. Hear what his principles are; hear what the man himself avows:—

"Fort William, October 4, 1779.

"In answer to Mr. Francis's insinuation, that it is natural enough for the agent to wish to secure himself, before the expiration of the present government; I avow the fact as to myself as well as the agent. When I see a systematic opposition to every measure proposed by me for the service of the public, by which an individual may eventually benefit, I cannot hesitate a moment to declare it to be my firm belief that should the government of this country be placed in the hands of the present minority, they would seek the ruin of every man connected with me; it is therefore only an act of common justice in me to wish to secure them, as far as I legally can, from the apprehension of future oppression."

Here is the principle avowed. He takes for granted, and he gives it the name of oppression, that the person who should succeed him would take away those unlawful and wicked emoluments, and give them to some other. But, says he, I will put out of the Company's power the very means of redress.

The document which I am now going to read to your lordships contains a declaration by Mr. Hastings of another means which he used of corrupting the whole Company's service.

Minute of the Governor-General.—Extract from that minute:—"Called upon continually by persons of high rank and station, both in national and in the Company's councils, to protect and prefer their friends in the army; and by the merits and services which have come under my personal knowledge and observation, I suffer both pain and humiliation at the want of power to reward the meritorious, or to show a proper attention to the wishes of my superiors, without having recourse to means which must be considered as incompatible with the dignity of my station. The slender relief which I entreat of the board from this state of mortification is the authority to augment the number of my staff,

which will enable me to show a marked and particular attention in circumstances such as above stated, and will be no considerable burthen to the Company."

My lords, you here see what he has been endeavouring to effect, for the express purpose of enabling him to secure himself a corrupt influence in England. But there is another point much more material—which brings the matter directly home to this court, and puts it to you, either to punish him or to declare yourselves to be accomplices in the corruption of the whole service. Hear what the man himself says. I am first to mention to your lordships the occasion upon which the passage which I shall read to you was written. It was when he was making his enormous and shameful establishment of a revenue board, in the year 1781; of which I shall say a few words hereafter, as being a gross abuse in itself; he then felt that the world would be so much shocked at the enormous prodigality and corrupt profusion of what he was doing, that he at last spoke out plainly.

A minute of Mr. Hastings transmitted in a letter by Mr. Wheler:—"In this, as it must be the case in every reformation, the interest of individuals has been our principal, if not our only impediment. We could not at once deprive so large a body of our fellow-servants of their bread, without feeling that reluctance which humanity must dictate; not unaccompanied perhaps with some concern for the consequence which our own credit might suffer, by an act which involved the fortunes of many, and extended its influence to all their connexions.

"This, added to the justice which was due to your servants, who were removed for no fault of theirs, but for the public convenience, induced us to continue their allowances until other offices could be provided for them—and the more cheerfully to submit to the expediency of leaving others in a temporary or partial charge of the internal collections. In effect the civil officers of this government might be reduced to a very scanty number, were their exigency alone to determine the list of your covenanted servants, which at this time consist of no less a number than two hundred and fifty-two; many of them the sons of the first families in the kingdom of

Great Britain, and every one aspiring to the rapid acquisition of lacks, and to return to pass the prime of their lives at home, as multitudes have done before them. Neither will the revenues of this country suffice for such boundless pretensions; nor are they compatible with yours and the national interests, which may eventually suffer as certain a ruin from the effects of private competition and the claim of patronage as from the more dreaded calamities of war, or the other ordinary causes which lead to the decline of dominion."

My lords, you have here his declaration, that patronage, which he avows to be one of the principles of his government, and to be the principle of the last of his acts, is worse than war, pestilence, and famine; and that all these calamities together might not be so effectual as this patronage in wasting and destroying the country. And at what time does he tell you this? He tells it you, when he himself had just wantonly destroyed an old regular establishment for the purpose of creating a new one, in which he says he was under the necessity of pensioning the members of the old establishment from motives of mere humanity. He here confesses himself to be the author of the whole mischief.—I could, says he, have acted better; I might have avoided desolating the country by peculation. But, says he, I had sons of the first families in the kingdom of Great Britain; every one aspiring to the rapid acquisition of lacks, and this would not suffer me to do my duty. I hope your lordships will stigmatize the falsehood of this assertion. Consider, my lords, what he has said—two hundred and fifty men at once, and in succession, aspiring to come home in the prime of their youth with *lacks*. You cannot take *lacks* to be less than two; we cannot make a plural less than two. Two lacks make £20,000. Then multiply that by 252, and you will find more than £2,500,000 to be provided for that set of gentlemen, and for the claims of patronage. Undoubtedly such a patronage is worse than the most dreadful calamities of war, and all the other causes which lead to decline of dominion.

My lords, I beseech you to consider this plan of corrupting the Company's servants, beginning with systematical corruption, and ending with an avowed declaration that he will persist in this iniquitous proceeding, and to the utmost of his power entail it upon the Company, for the purpose of secur-

ing his accomplices against all the consequences of any change in the Company's government. I dare not, says he, be honest; if I make their fortunes, you will judge favourably of me; if I do not make their fortunes, I shall find myself crushed with a load of reproach and obloquy, from which I cannot escape in any other way than by bribing the House of Peers. What a shameful avowal this to be made in the face of the world!—Your lordships' judgment upon this great cause will obliterate it from the memory of man. But his apprehension of some change in the Company's government is not his only pretext for some of these corrupt proceedings: he adverts also to the opposition which he had to encounter with his colleagues, as another circumstance which drove him to adopt others of these scandalous expediencies. Now there was a period when he had no longer to contend with, or to fear, that opposition. When he had got rid of the majority in the council, which thwarted him, what did he do? Did he himself correct any of the evils and disorders which had prevailed in the service, and which his hostile majority had purposed to reform? No, not one; notwithstanding the court of directors had supported the majority in all their declarations, and had accused him of corruption and rebellion in every part of his opposition to them. Now that he was free from the yoke of all the mischief of that cursed majority which he deprecates, and which I have heard certain persons consider as a great calamity (a calamity indeed it was to patronage),—as soon, I say, as he was free from this, you would imagine he had undertaken some great and capital reformation; for all the power which the Company could give was in his hands—total, absolute, and unconfined.

I must here remind your lordships that the provincial councils was an establishment made by Mr. Hastings. So confident was he, in his own opinion, of the expediency of them, that he transmitted to the court of directors a draft of an act of parliament to confirm them; by this act it was his intention to place them beyond the possibility of mutation. Whatever opinion others might entertain of their weakness, inefficacy, or other defects, Mr. Hastings found no such things in them. He had declared in the beginning that he considered them as a sort of experiment; but that in the progress he found them answer so perfectly well, that he

proposed even an act of parliament to support them. The court of directors, knowing the mischiefs that innovation had produced in their service, and the desolations which it had brought on the country, commanded him not to take any step for changing them, without their orders. Contrary, however, to his own declarations—contrary to the sketch of an act of parliament, which, for aught he knew, the legislature might then have passed (I know that it was in contemplation to pass about that time several acts for regulating the Company's affairs; and for one, I should have been, as I always have been, a good deal concerned in whatever tended to fix some kind of permanent and settled government in Bengal), in violation, I say, of his duty, and in contradiction to his own opinion, he at that time, without giving the parties notice, turns out of their employments, situation, and bread the provincial councils.

And who were the members of those provincial councils? They were of high rank in the Company's service; they were not junior servants, boys of a day, but persons who had gone through some probation; who knew something of the country; who were conversant in its revenues and in the course of its business; they were, in short, men of considerable rank in the Company's service. What did he do with these people? Without any regard to their rank in the service—no more than he had regarded the rank of the nobility of the country—he sweeps them all in one day, from their independent situations without reference to the directors, and turns them all into pensioners upon the Company. And for what purpose was this done? It was done in order to reduce the Company's servants, who in their independent situations were too great a mass and volume for him to corrupt to an abject dependence upon his absolute power. It was that he might tell them, You have lost your situations; you have nothing but small alimentary pensions; nothing more than a maintenance, and you must depend upon me whether you are to have anything more or not. Thus at one stroke a large division of the Company's servants, and one of the highest orders of them, were reduced for their next bread to an absolute submissive dependence upon his will; and the Company was loaded with the pensions of all these discarded servants. Thus were persons in an honourable inde-

pendent situation earned by long service in that country, and who were subject to punishment for their crimes if proved against them, all deprived, unheard, of their employments. You would imagine that Mr. Hastings had at least charged them with corruption. No; you will see upon your minutes, that when he abolished the provincial councils he declared at the same time that he found no fault with the persons concerned in them.

Thus then he has got rid, as your lordships see, of one whole body of the Company's servants; he has systematically corrupted the rest, and provided as far as lay in his power for the perpetuation of their corruption; he has connived at all their delinquencies, and has destroyed the independence of all the superior orders of them. Now hear what he does with regard to the council general itself. They had, by the act that made Mr. Hastings Governor, the management of the revenues vested in them; you have been shown by an honourable and able fellow-manager of mine that he took the business of this department wholly out of the hand of the council; that he named a committee for the management of it at an enormous expense—a committee made up of his own creatures and dependants; and that, after destroying the provincial councils, he brought down the whole management of the revenue to Calcutta. This committee took this important business entirely out of the hands of the council, in which the act had vested it, and this committee he formed without the orders of the court of directors, and directly contrary to the act which put the superintendence in the hands of the council.

Oh! but he reserved a superintendence over them. You shall hear what the superintendence was; you shall see, feel, smell, touch—it shall enter into every avenue and pore of your soul. It will show you what was the real principle of Mr. Hastings's government. We will read to you what Sir John Shore says of that institution, and of the only ends and purposes which it could answer; your lordships will then see how far he was justifiable in violating an act of parliament, and giving out of the council's hands the great trust which the laws of his country had vested in them. It is part of a paper written in 1785, by Mr. Shore, who was sole ...ing president of this committee, to which all Bengal was

delivered; he was an old servant of the Company, and he is now at the head of the government of that country. He was Mr. Hastings's particular friend, and therefore you cannot doubt either of his being a competent evidence, or that he is a favourable evidence for Mr. Hastings's, and that he would not say one word against the establishment of which he himself was at the head that was not perfectly true, and forced out of him by the truth of the case. There is not a single part of it that does not point out some abuse.

"In the actual collection of the revenues, nothing is more necessary than to give immediate attention to all complaints, which are preferred daily without number, and to dispatch them in a summary manner; this cannot be done where the control is remote. In every pergunnah throughout Bengal there are some distinct usages, which cannot be clearly known at a distance; yet in all complaints of oppression or extortion these must be known before a decision can be pronounced. But to learn at Calcutta the particular customs of a district of Radshahy or Daca is almost impossible; and considering the channel through which an explanation must pass, and through which the complaint is made, any colouring may be given to it; and oppression and extortion, to the ruin of a district, may be practised with impunity. This is a continual source of embarrassment to the committee of revenue in Calcutta.

"One object of their institution was to bring the revenues without the expenses of agency to the presidency, and to remove all local control over the farmers, who were to pay their rents at Calcutta. When complaints are made against farmers by the occupiers of the lands, it is almost impossible to discriminate truth from falsehood. But to prevent a failure in the revenue, it is found necessary, in all doubtful cases, to support the farmer; a circumstance which may give rise to and confirm the most cruel acts of oppression. The real state of any district cannot be known by the committee. An occupier or zemindar may plead that an inundation has ruined him, or that his country is a desert through want of rain. An aumeen is sent to examine the complaint; he returns with an exaggerated account of losses proved in volumes of intricate accounts, which the committee have no time to read,

and for which the aumeen is well paid. Possibly, however, the whole account is false. Suppose no aumeen is employed and the renter is held to the tenor of his engagement, the loss, if real, must occasion his ruin, unless his assessment is very moderate indeed.

"I may venture to pronounce, that the real state of the districts is now less known, and the revenue less understood, than in the year 1774. Since the natives have had the disposal of accounts, since they have been introduced as agents and trusted with authority, intricacy and confusion have taken place; the records and accounts which have been compiled are numerous; yet when any particular account is wanted, it cannot be found. It is the business of all, from the ryots to the dewan, to conceal and deceive. The simplest matters of fact are designedly covered with a veil through which no human understanding can penetrate.

"With respect to the present committee of revenue, it is morally impossible for them to execute the business they are intrusted with. They are invested with a general control, and they have an executive authority larger than ever was before given to any board or body of men. They may and must get through the business. But to pretend to assert that they really execute it, would be folly and falsehood.

"The grand object of the native dewannies was to acquire independent control, and for many years they have pursued this with wonderful art. The farmers and zemindars under the committee prosecute the same plan, and have already objections to anything that has the least appearance of restriction. All control removed, they can plunder as they please.

"The committee must have a dewan or executive officer, call him by what name you please. This man, in fact, has all the revenues paid at the presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is of little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of protecting both undetected.

"To display the arts employed by a native on such an occasion would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors, and by the engines of hope and fear raised upon

these foundations he can work them to his purpose. The committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hand of their dewan."

Here is the account of Mr. Hastings's new committee of revenue, substituted in the place of an establishment made by act of parliament; here is what he has substituted for provincial councils. Here is what he has substituted in the room of the whole regular order of the service, which he totally subverted. Can we add anything to this picture? Can we heighten it? Can we do anything more than to recommend it to your lordships' serious consideration?

But before I finally dismiss this part of our charge, I must request your lordships' most earnest attention to the true character of these atrocious proceedings, as they now stand proved before you, by direct or the strongest presumptive evidence upon the Company's records, and by his own confessions and declarations, and those of his most intimate friends and avowed agents. Your lordships will recollect that, previously to the appointment of Mr. Hastings to be the Governor-General, in 1772, the collection of the revenues was committed to a naib dewan, or native collector, under the control of the supreme council; and that Mr. Hastings did at that time, and upon various occasions afterwards, declare it to be his decided and fixed opinion, that nothing would be so detrimental to the interests of the Company, and to the happiness and welfare of the inhabitants of their provinces, as changes, and more especially sudden changes, in the collection of their revenues. His opinion was also most strongly and reiteratedly pressed upon him by his masters, the court of directors. The first step taken after his appointment was to abolish the office of naib dewan, and to send a committee through the provinces, at the expense of £50,000 a year, to make a settlement of rents to be paid by the natives for five years. At the same time he appointed one of the Company's servants to be the collecter in each province, and he abolished the general board of revenue, which had been established at Moorshedabad, chiefly for the following reasons; that by its exercising a separate control, the members of the supreme council at Calcutta were prevented from acquiring

that intimate acquaintance with the revenues which was necessary to persons in their station; and because many of the powers necessary for the collection of the revenues could not be delegated to a subordinate council. In consideration of these opinions, orders, and declarations, he, in 1773, abolished the office of collector, and transferred the management of the revenues to several councils of revenue, called provincial councils, and recommended their perpetual establishment by act of parliament. In the year 1774, in contradiction of his former opinion, respecting the necessity of the supreme council possessing all possible means of becoming acquainted with the details of the revenue, he again recommended the continuance of the provincial councils in all their parts. This he again declared to be his deliberate opinion in 1775 and in 1776. In the mean time a majority of the supreme council, consisting of members who had generally differed in opinion from Mr. Hastings, had transmitted their advice to the court of directers, recommending some changes in the system of provincial councils. The directors, in their reply to this recommendation, did, in 1777, order the supreme council to form a new plan for the collection of the revenues, and to transmit it to them for their consideration.

No such plan was transmitted; but in the year 1781, Mr. Hastings having obtained a majority in the council, he again changed the whole system, both of the collection of the revenue and of the executive administration of civil and criminal justice. And who were the persons substituted in the place of those whom he removed? Names, my lords, with which you are already but too well acquainted. At their head stands Munny Begum; then comes his own domestic and private bribe-agent, Gunga Govin Sing; then his banyan, Cantoo Baboo; then that instrument of all evil, Debi Sing; then the whole tribe of his dependants, white and black, whom he made farmers of the revenue, with Colonel Hannay at their head; and lastly, his confidential residents, secret agents, and private secretaries, Mr. Middleton, Major Palmer, &c. &c.—Can your lordships doubt, for a single instant, of the real spirit of these proceedings? Can you doubt of the whole design having originated and ended in corruption and peculation?

We have fully stated to you, from the authority of these parties themselves, the effects and consequences of these proceedings—namely, the dilapidation of the revenues, and the ruin and desolation of the provinces. And, my lords, what else could have been expected or designed by this sweeping subversion of the control of the Company's servants over the collection of the revenue, and the vesting of it in a black dewan, but fraud and peculation? What else, I say, was to be expected in the inextricable turnings and windings of that black mystery of iniquity, but the concealment of every species of wrong, violence, outrage, and oppression? Your lordships then have seen that the whole country was put into the hands of Gunga Govin Sing; and when you remember who this Gunga Govin Sing was, and how effectually Mr. Hastings had secured him against detection, in every part of his malpractices and atrocities, can you for a moment hesitate to believe that the whole project was planned and executed for the purpose of putting all Bengal under contribution to Mr. Hastings? But if you are resolved, after all this, to entertain a good opinion of Mr. Hastings—if you have taken it into your heads, for reasons best known to yourselves, to imagine that he has some hidden virtues, which in the government of Bengal he has not displayed, and which, to us of the House of Commons, have not been discernible in any one single instance; these virtues may be fit subjects for paragraphs in newspapers—they may be pleaded for him by the partisans of his Indian *faction*. But your lordships will do well to remember that it is not to Mr. Hastings himself that you are trusting, but to Gunga Govin Sing. If the committee were tools in his hands, must not Mr. Hastings have also been a tool in his hands?—If they, with whom he daily and hourly had to transact business, and whose office it was to control and restrain him, were unable so to do, is this control and restraint to be expected from Mr. Hastings, who was his confidant, and whose corrupt transactions he could at any time discover to the world? My worthy colleague has traced the whole of Mr. Hastings's bribe account, in the most clear and satisfactory manner, to Gunga Govin Sing—him first—him last—him midst, and without end. If we fail of the conviction of the prisoner at your bar, your lordships will not have ac-

quitted Mr. Hastings merely, but you will confirm all the robberies and rapines of Gunga Govin Sing. You will recognise him as a faithful Governor of India. Yes, my lords, let us rejoice in this man. Let us adopt him as our own. Let our country, let this House, be proud of him! If Mr. Hastings can be acquitted, we must admit Gunga Govin Sing's government to be the greatest blessing that ever happened to mankind. But if Gunga Govin Sing's government be the greatest curse that ever befell suffering humanity, as we assert it to have been, there is the man that placed him in it; there is his father, his godfather, the first author and origin of all these evils and calamities. My lords, remember Dinagepore; remember the bribe of £40,000 which Gunga Govin Sing procured for Mr. Hastings in that province, and the subsequent horror of that scene.

But, my lords, do you extend your confidence to Gunga Govin Sing? Not even the face of this man, to whom the revenues of the Company, together with the estates, fortunes, reputations, and lives of the inhabitants of that country were delivered over, is known in those provinces. He resides at Calcutta, and is represented by a variety of under agents. Do you know Govin Ghose? Do you know Nundalol? Do you know the whole tribe of peculators, whom Mr. Hastings calls his faithful domestic servants? Do you know all the persons that Gunga Govin Sing must employ in the various ramifications of the revenues throughout all the provinces? Are you prepared to trust all these? The board of revenue has confessed that it could not control them. Mr. Hastings himself could not control them. The establishment of this system was like Sin's opening the gates of hell; like her he could open the gate, but to shut, as Milton says, exceeded his power. The former establishments, if defective, or if abuses were found in them, might have been corrected. There was at least the means of detecting and punishing abuse. But Mr. Hastings destroyed the means of doing either, by putting the whole country into the hands of Gunga Govin Sing.

Now, having seen all these things done, look to the account. Your lordships will now be pleased to look at this business as a mere account of revenue. You will find, on comparing the three years in which Mr. Hastings was in the

minority with the three years after the appointment of this committee, that the assessment upon the country increased, but that the revenue was diminished; and you will also find, which is a matter that ought to astonish you, that the expenses of the collections were increased by no less a sum than £500,000. You may judge from this what riot there was in rapacity and ravage, both amongst the European and native agents, but chiefly amongst the natives; for Mr. Hastings did not divide the greatest part of this spoil among the Company's servants, but among this gang of black dependants.

These accounts are in pages 1273 and 1274 of your minutes. My lords, weighty indeed would have been the charge brought before your lordships by the Commons of Great Britain, against the prisoner at your bar, if they had fixed upon no other crime or misdemeanour than that which I am now pressing upon you. His throwing off the allegiance of the Company, his putting a black master over himself, and his subjecting the whole of Bengal, Bahar, and Orissa, the whole of the Company's servants, the Company's revenues, the Company's farms, to Gunga Govin Sing. But, my lords, it is a very curious and remarkable thing, that we have traced this man as Mr. Hastings's bribe broker up to the time of the nomination of this committee; we have traced him through a regular series of bribery; he is Mr. Hastings's bribe broker at Patna; he is Mr. Hastings's bribe broker at Nuddea; he is his bribe broker at Dinagepore; we find him his bribe broker in all these places; but from the moment that this committee was constituted, it became a gulf in which the prevention, the detection, and the correction of all kind of abuses were sunk and lost for ever. From the time when this committee and Gunga Govin Sing were appointed, you do not find one word more of Mr. Hastings's bribes. Had he then ceased to receive any? or where are you to look for them? You are to look for them in that £500,000 excess of expense in the revenue department, and in the rest of all that corrupt traffic of Gunga Govin Sing, of which we gave you specimens at the time we proved his known bribes to you. These are nothing but index hands to point out to you the immense mass of corruption which had its origin and was daily accumulating in these provinces, under the protection

of Mr. Hastings. And can you think, and can we talk of such transactions, without feeling emotions of indignation and horror not to be described? Can we contemplate such scenes as these—can we look upon those desolated provinces —upon a country so ravaged—a people so subdued—Mahomedans, Gentoos, our own countrymen all trampled under foot by this tyrant; can we do this without giving expression to those feelings which, after animating us in this life, will comfort us when we die, and will form our best part in another?

My lords, I am now at the last day of my endeavours to inspire your lordships with a just sense of these unexampled atrocities. I have had a great encyclopedia of crimes to deal with; I will get through them as soon as I can; and I pray your lordships to believe, that if I omit anything, it is to time I sacrifice it; that it is to want of strength I sacrifice it; that it is to necessity, and not from any despair of making, from the records and from the evidence, matter so omitted as black as anything that I have yet brought before you.

The next thing of which I have to remind your lordships respecting these black agents of the prisoner is, that we find him, just before his departure from India, recommending three of them—Gunga Govin Sing, Gunga Ghose, and Nundalol—as persons fit and necessary to be rewarded for their services by the Company. Now your lordships will find that, of these faithful domestic servants, there is not one of them who was not concerned in these enormous briberies, and in betraying their own native and natural master. If I had time for it, I believe I could trace every person to be, in proportion to Mr. Hastings's confidence in him, the author of some great villany. These persons he thinks had not been sufficiently rewarded, and accordingly he recommends to the board, as his dying legacy, provision for these faithful, attached servants of his, and particularly for Gunga Govin Sing. The manner in which this man was to be rewarded makes a part of the history of these transactions, as curious perhaps as was ever exhibited to the world. Your lordships will find it in page 2841 of your minutes.

The Rajah of Dinagepore was a child at that time about eleven years old, and had succeeded to the Rajahship (by what means I shall say nothing) when he was about five

years old. He is made to apply to Mr. Hastings for leave to grant a very considerable part of his estate to Gunga Govin Sing, as a reward for his services. These services could only be known to the Rajah's family, by having robbed it of at least £40,000, the bribe given to Mr. Hastings. But the Rajah's family is so little satisfied with this bountiful and liberal donation to Gunga Govin Sing, that they desire that several pergunnahs or farms, that are mentioned in the application made to the council, should be separated from the family estate and given to this man. Such was this extraordinary gratitude; gratitude not for money received, but for money taken away; a species of gratitude unknown in any part of the world but in India; gratitude pervading every branch of the family; his mother coming forward and petitioning likewise that her son should be disinherited; his uncle, the natural protector and guardian of his minority, coming forward, and petitioning most earnestly that his nephew should be disinherited; all the family join in one voice of supplication to Mr. Hastings that Gunga Govin Sing may have a very large and considerable part of their family estate given to him. Mr. Hastings, after declaring that certain circumstances respecting this property, which are mentioned in his minutes, were to his knowledge true, but which your lordships upon examination will find to be false, and falsified in every particular, recommends in the strongest manner to the board a compliance with this application. He was at this time on the eve of his departure from India, in haste to provide for his faithful servants; and he well knew that this his last act would be held binding upon his successors, who were devoted to him.

Here, indeed, is genuine and heroic gratitude; gratitude for money received, not for money taken away; and yet this gratitude was towards a person who had paid himself out of the benefit which had been conferred, at the expense of a third party. For Gunga Govin Sing had kept for himself £20,000 out of £40,000 taken from the Rajah. For this cheat, stated by Mr. Larkins to be such, and allowed by Mr. Hastings himself to be such—he, with a perfect knowledge of that fraud and cheat committed upon the public (for he pretends that the money was meant for the Company), makes this supplication to his colleagues, and departs.

After his departure, Gunga Govin Sing, relying upon the continuance of the corrupt influence which he had gained, had the impudence to come forward and demand the confirmation of this grant by the council general. The council, though willing to accede to Mr. Hastings's proposition, were stopped in a moment by petitions much more natural, but of a direct contrary tenor. The poor infant Rajah raises his cries not to be deprived of his inheritance; his mother comes forward and conjures the council not to oppress her son and wrong her family; the uncle comes and supplicates the board to save from ruin these devoted victims which were under his protection. All these counter-petitions come before the council, while the ink is hardly dry upon the petitions which Mr. Hastings had left behind him, as proofs of the desire of this family to be disinherited in favour of Gunga Govin Sing. Upon the receipt of these remonstrances, the board could not proceed in the business, and accordingly Gunga Govin Sing was defeated.

But Gunga Govin Sing was unwilling to quit his prey. And what does he do?—I desire your lordships to consider seriously the reply of Gunga Govin Sing, as it appears upon your minutes.—It is a bold answer. He denies the right of the Rajah to these estates. Why, says he, all property in this country depends upon the will of your government; how came this Rajah's family into possession of this great zemindary? Why, they got it at first by the mere favour of government. The whole was an iniquitous transaction. This is a family that in some former age has robbed others, and now let me rob them. In support of this claim he adds the existence of other precedents; namely, that many clerks or mutseddies and banyans at Calcutta had, as he says, got possession of the lands of other people, without any pretence of right.—Why should not I? Good God, what precedents are these!—Your lordships shall now hear the razynama, or testimonial, which, since Mr. Hastings's arrival in England, this Rajah has been induced to send to the Company from India, and you will judge then of the state in which Mr. Hastings has left that country. Hearken, my lords, I pray you, to the razynama of this man, from whom £40,000 was taken by Mr. Hastings and Gunga Govin Sing, and against whom an attempt was made by the same persons to deprive him of his

inheritance. Listen to this razynama, and then judge of all the other testimonials which have been produced on the part of the prisoner at your bar. His counsel rest upon them—they glory in them, and we shall not abate them one of these precious testimonials. They put the voice of grateful India against the voice of ungrateful England. Now, hear what grateful India says, after our having told you for what it was so grateful.

"I, Radaunat, zemindar of pergunnah Havelly Penjuna, &c., commonly called Dinagepore:—As it has been learnt by the mutseddies and the respectable officers of my zemindary that the ministers of England are displeased with the late Governor, Warren Hastings, Esq., upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore, we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the deeds of Warren Hastings, Esq., full of circumspection and caution, civility and justice, superior to the conduct of the most learned; and by representing what is fact, wipe away the doubts that have possessed the minds of the ministers of England. That Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen and justice; no inhabitant ever experienced afflictions; no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice."

Good God! my lords,—"*our families protected by his justice!*" What! after Gunga Govin Sing, in concert with Mr. Hastings, had first robbed him of £40,000, and then had attempted to snatch, as it were, out of the mouths of babes and sucklings the inheritance of their fathers, and to deprive this infant of a great part of his family estate! Here is a child eleven years old, who never could have seen Mr. Hastings; who could know nothing of him but from the heavy

hand of oppression, affliction, wrong, and robbery, brought to bear testimony to the virtues of Mr. Hastings before a British parliament. Such is the confidence they repose in their hope of having bribed the English nation by the millions and millions of money, the countless lacks of rupees, poured into it from India, that they had dared to bring this poor robbed infant to bear testimony to the character of Mr. Hastings. These are the things which are to be opposed to the mass of evidence which the House of Commons bring against this man; evidence which they bring from his own acts, his own writing, and his own records; a cloud of testimony furnished by himself, in support of charges brought forward and urged by us agreeably to the magnitude of his crimes, with the horror which is inspired by them, and with the contempt due to this paltry attempt towards his defence—which they had dared to produce from the hands of an infant but eleven years old when Mr. Hastings quitted that country.

But to proceed with the razynama:—"He never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation, by means of his benevolent and kind behaviour, never permitting one of us to sink into the pit of despondence; he supported every one by his goodness, overset the designs of evil-minded men by his authority, tied the hand of oppression with the strongest bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us; he reëstablished justice and impartiality. We were during his government in the enjoyment of perfect happiness and ease, and many of us are thankful and satisfied. As Mr. Hastings was well acquainted with our manners and customs, he was always desirous in every respect of doing whatever would preserve our religious rites, and guard them against every kind of accident and injury; and at all times protected us. Whatever we have experienced from him, and whatever happened from him, we have written without deceit or exaggeration."

My lords, before I take leave of this affair of bribes and of the great bribe-broker, let me just offer a remark to your lordships upon one curious transaction. My lords, we have charged a bribe taken from the Nabob of Oude, and we have stated the corrupt and scandalous proceeding which attended

it. I thought I had done with Oude; but as there is a golden chain between all the virtues, so there is a golden chain which links together all the vices. Mr. Hastings, as you have seen, and as my honourable colleague has fully opened it to you, received a bribe or corrupt present from the Nabob of Oude, in September, 1781. We heard no more of this bribe than what we had stated (no other trace of it ever appearing in the Company's records, except in a private letter written by Mr. Hastings to the court of directors, and afterwards in a communication such as you have heard through Mr. Larkins), till October, 1783.

But, my lords, we have since discovered, through and in consequence of the violent disputes which took place between Mr. Hastings and the clan of residents that were in Oude, the resident of the Company, Mr. Bristow, the two residents of Mr. Hastings, Mr. Middleton and Mr. Johnson, and the two residents sent by him to watch over all the rest, Major Palmer and Major Davy,—upon quarrels, I say, between them, we discovered that Mr. Middleton had received the offer of a present of £100,000 in February, 1782. This circumstance is mentioned in a letter of Mr. Middleton's, in which he informs Mr. Hastings that the Nabob had destined such a sum for him.

Now the first thing that will occur to your lordships, upon such an affair, will be a desire to know what it was that induced the Nabob to make this offer. It was but in the September preceding that Mr. Hastings had received, for his private use, as the Nabob conceived, so bountiful a present as £100,000; what motive then could he have had in February to offer him another £100,000?—This man, at the time, was piercing heaven itself with the cries of despondency, despair, beggary, and ruin. You have seen that he was forced to rob his own family, in order to satisfy the Company's demands upon him; and yet this is precisely the time when he thinks proper to offer £100,000 to Mr. Hastings. Does not the mind of every man revolt, whilst he exclaims, and say, What! another £100,000 to Mr. Hastings! What reason had the Nabob to think Mr. Hastings so monstrously insatiable, that, having but the September before received £100,000, he must give him another in February?—My lords, he must in the interval have threatened the Nabob with some horrible catas-

trophe, from which he was to redeem himself by this second present. You can assign no other motive for his giving it. We know not what answer Mr. Hastings made to Mr. Middleton upon that occasion; but we find that in the year 1783 Mr. Hastings asserts that he sent up Major Palmer and Major Davy, to persuade the Nabob to transfer this present, which the Nabob intended for him, to the Company's service. Remark, my lords, the progress of this affair. In a formal accusation preferred against Mr. Middleton, he charges him with obstructing this design of his. In this accusation, my lords, you find him at once in the curious character of prosecutor, witness, and judge.

Let us see how he comports himself. I shall only state to you one of the articles of his impeachment. It is the third charge; it is in page 1267 of your lordships' minutes:—"For sending repeatedly to the Vizier and to his minister, Hyder Beg Khân, to advise them against transferring the ten lacks of rupees, intended as a present to the Governor-General, to the Company's account; as it would be a precedent for further demands, which if the Vizier did not refuse in the first instance, the government would never cease to harass him for money."

The first thing that will occur to your lordships is an assertion of the accuser's:—"I am morally certain that jaydaads or assets for ten lacks, either in assignment of land or in bills, had been prepared, and were in the charge or possession of Mr. Middleton, before Major Palmer's arrival, and left with Mr. Johnson on Mr. Middleton's departure."

My lords, here is an accusation that Mr. Middleton had actually received money, either in bills or assets of some kind or other; and that, upon quitting his residency, he had handed it over to his successor, Mr. Johnson. Here are then facts asserted, and we must suppose substantiated. Here is a sum of money to be accounted for, in which there is a gross malversation directly charged as to these particulars, in Mr. Hastings's opinion. Mr. Macpherson, another member of the council, has declared that he understood at the time, that the ten lacks were actually deposited in bills, and that it was not a mere offer made by the Nabob to pay such a sum from the future revenue of the country. Mr. Hastings has these facts disclosed to him. He declares that he was "*morally* certain"

of it: that is, as certain as a man can be of anything, because physical certitude does not belong to such matters. The first thing you will naturally ask is, Why does he not ask Mr. Johnson how he had disposed of that money which Mr. Middleton had put in his hands? He does no such thing; he passes over it totally, as if it were no part of the matter in question, and the accusation against Mr. Middleton terminates in the manner you will there find stated. When Mr. Johnson is asked, Why was not that money applied to the Company's service? he boldly steps forward, and says, I prevented it from being so applied. It never was, it never ought to have been so applied; such an appropriation of money to be taken from the Nabob would have been enormous upon that occasion.

What then does Mr. Hastings do? Does he examine Mr. Middleton upon the subject, who charges himself with having received the money?—Mr. Middleton was at that very time in Calcutta, called down thither by Mr. Hastings himself. One would naturally expect that he would call upon him to explain for what purpose he left the money with Mr. Johnson. He did no such thing. Did he examine Mr. Johnson himself, who was charged with having received the money from Mr. Middleton? Did he ask him what he had done with that money? Not one word. Did he send for Major Palmer and Major Davy to account for it? No. Did he call any shroff, any banker, any one person concerned in the payment of the money; or any one person in the management of the revenue? No, not one. Directly in the face of his own assertions, directly contrary to his moral conviction of the fact that the money had been actually deposited, he tries Mr. Johnson collusively and obliquely; not upon the account of what was done with the money, but why it was prevented from being applied to the Company's service; and he acquits him in a manner that (taking the whole of it together) will give your lordships the finest idea possible of a Bengal judicature, as exercised by Mr. Hastings.

"I am not sorry," says he, "that Mr. Johnson chose to defeat my intentions, since it would have added to the Nabob's distresses, but with no immediate relief to the Company. If in his own breast he can view the secret motives of this transaction, and on their testimony approve it, I also acquit

him.—Merciful God! Here is a man accused by regular articles of impeachment. The accuser declares he is morally certain that the money had been received, but was prevented from being applied to its destination by the person accused, and he acquits him. Does he acquit him from his own knowledge, or from any evidence? No; but he applies to the man's conscience, and says, if you in your conscience can acquit yourself, I acquit you.

Here, then is a proceeding, the most astonishing and shameless that perhaps was ever witnessed; a court trying a man for a delinquency and misapplication of money, destined, in the first instance, for the use of the judge, but which he declares ought, in his own opinion, to be set apart for the public use; and which he was desirous of applying to the Company's service, without regard to his own interest; and then the judge declaring he is not sorry that his purpose had been defeated by the party accused. Instead, however, of censuring the accused, he applies to the man's own conscience:—Does your conscience, says he, acquit you of having acted wrong? The accused makes no reply; and then Mr. Hastings, by an hypothetical conclusion, acquits him.

Mr. Hastings is accused by the Commons, for that having a moral certainty of the money's being intended for his use, he would not have ceased to inquire into the actual application of it, but from some corrupt motive and intention. With this he is charged. He comes before you to make his defence. Mr. Middleton is in England. Does he call Mr. Middleton to explain it here? Does he call upon Mr. Johnson, who was the other day in this court, to account for it? Why did he not, when he sent for these curious papers and testimonials to Major Palmer (the person authorized, as he pretends, by him to resign all his pretensions to the money procured), send for Major Palmer, who is the person that accused him in this business? Why not send for him to bear some testimony respecting it? No; he had time enough; but at no one time, and in no one place, did he do this; therefore the imputation of the foulest corruption attaches upon him, joined with the infamy of a collusive prosecution, instituted for the sake of a collusive acquittal.

Having explained to your lordships the nature, and detailed the circumstances, as far as we are acquainted with them, of

this fraudulent transaction, we have only further to remind you that, though Mr. Middleton was declared guilty of five of the six charges brought against him by Mr. Hastings, yet the next thing you hear is, that Mr. Hastings, after declaring that this conduct of Mr. Middleton had been very bad, and that the conduct of the other servants of the Company concerned with him had been ten times worse, he directly appoints him to one of the most honourable and confidential offices the Company had to dispose of—he sends him ambassador to the Nizam; to give to all the courts of India a specimen of the justice, honour, and decency of the British government.

My lords, with regard to the bribe for the *entertainment*, I only beg leave to make one observation to you upon that article. I could say, if the time would admit it, a great deal upon that subject; but I wish to compress it, and I shall therefore only recommend it in general to your lordships' deliberate consideration. The covenant subsisting between the Company and its servants was made for the express purpose of putting an end to all such entertainments. By this convention it is ordered that no presents exceeding £200 shall be accepted upon any pretence for an entertainment. The covenant was intended to put an end to the custom of receiving money for entertainments, even when visiting an independent oriental prince. But your lordships know that the Nabob was no prince, but a poor, miserable, undone dependant upon the Company. The present was also taken by Mr. Hastings at a time when he went upon the cruel commission of cutting down the Nabob's allowance from £400,000 to £260,000—and when he was reducing to beggary thousands of persons who were dependent for bread upon the Nabob, and ruining perhaps forty thousand others. I shall say no more upon that subject, though, in truth, it is a thing upon which much observation might be made.

I shall now pass on to another article connected with, though not making a direct part of, that of corrupt bribery; I mean the swindling subterfuges by which he has attempted to justify his corrupt practices. At one time he defends them by pleading the necessities of his own affairs, as when he takes presents and entertainments avowedly for his own profits. At another time he defends them by pleading the

goodness of his intentions. He intended, he says, to give the money to the Company. His last plea has something in it (which shall I say?) of a more awful or of a more abandoned character, or of both. In the settlement of his public account before he left India, he takes credit for a bond which he had received from Nobkissin, upon some account or other. He then returns to England, and what does he do? Pay off? No. Give up the bond to the Company? No. He says, I will account to the Company for this money; and when he comes to give this account of the expenditure of this money, your lordships will not be a little astonished at the items of it. One is for founding a Mahomedan college. It is a very strange thing that Rajah Nobkissin, who is a Gentoo, should be employed by Mr. Hastings to found a Mahomedan college. We will allow Mr. Hastings, who is a Christian, or would be thought a Christian, to grow pious at last; and as many others have done who have spent their lives in fraud, rapacity, and peculation, to seek amends, and to expiate his crimes by charitable foundations. Nay, we will suppose Mr. Hastings to have taken it into his head to turn Mahomedan (Gentoo he could not), and to have designed by a Mahomedan foundation to expiate his offences. Be it so; but why should Nobkissin pay for it? We will pass over this also. But when your lordships shall hear of what nature that foundation was, I believe you will allow that a more extraordinary history never did appear in the world.

In the first place, he stated to the council on the 18th of April, 1781, that in the month of November, 1780, a petition was presented to him by a considerable number of Mussulmen; in compliance with which this Mahomedan college appears to have been founded. It next appears from his statement, that in the April following (that is, within about six months after the foundation), many students had finished their education. You see what a hot-bed bribery and corruption is; our universities cannot furnish an education in six years. In India they have completed it within six months, and have taken their degrees.

Mr. Hastings says, I have supported this establishment to this time at my own expense; I desire the Company will now defray the charge of it. He then calculates what the expenses were; he calculates that the building would cost about

£6,000, and he gets from the Company a bond to raise money for paying this £6,000. You apparently have the building now at the public expense, and Mr. Hastings still stands charged with the expense of the college for six months. He then proposes that a tract of land should be given for the college, to the value of about 3,000 odd pounds a year; and that in the mean time there should be a certain sum allotted for its expenses. After this Mr. Hastings writes a letter from the Ganges to the Company, in which he says not a word about the expense of the building; but says that the college was founded and maintained at his own expense, though it was thought to be maintained by the Company; and he fixes the commencement of the expense in September, 1779. But after all, we find that the very professor who was to be settled there never so much as arrived in Calcutta, or showed his face there, till some time afterwards. And look at Mr. Larkins's private accounts, and you will find that he charges the expense to have commenced not until October, 1781. It is no error, because it runs through and is so accounted in the whole; and it thus appears that he has charged, falsely and fraudulently, a year more for that establishment than it cost him.

At last then, when he was coming away (for I hasten to the conclusion of an affair, ludicrous indeed in some respects, but not unworthy of your lordships' consideration), "after remarking that he had experienced for three years the utility of this institution, he recommends that they will establish a fund for £3,000 a year for it, and give it to the master." He had left Gunga Govin Sing as a Gentoo legacy, and he now leaves the Mussulmen as a Mahomedan legacy, to the Company. Your lordships shall now hear what was the upshot of the whole. The Company soon afterwards hearing that this college was become the greatest nuisance in Calcutta, and that it had raised the cries of all the inhabitants against it, one of their servants, a Mr. Chapman, was deputed by the Governor, Sir John Shore, to examine into it, and your lordships will find the account he gives of it in your minutes. In short, my lords, we find that this was a seminary of robbers, house-breakers, and every nuisance to society; so that the Company was obliged to turn out the master, and to remodel the whole. Your lordships will now judge of the

merits and value of this, one of the sets-off brought forward by the prisoner against the charges which we have brought forward against him; it began in injustice and peculation, and ended in a seminary for robbers and house-breakers.

Nothing now remains to be pressed by me upon your lordships' consideration, but the account given by the late Governor-General, Earl Cornwallis, of the state in which he found the country left by his predecessor, Mr. Hastings, the prisoner at your bar. But patient as I know your lordships to be, I also know that your strength is not inexhaustible, and though what I have further to add will not consume much of your lordships' time, yet I conceive that there is a necessity for deferring it to another day.

[Adjourned.

TRIAL.

MONDAY, 16TH. JUNE, 1794.

NINTH DAY OF REPLY.

(MR. BURKE.)

MY LORDS,—I should think it necessary to make an apology to your lordships for appearing before you one day more, if I were inclined to measure this business either by the standard of my own ability, or by my own impatience, or by any supposed impatience of yours. I know no measure in such a case, but the nature of the subject and the duty which we owe to it. You will therefore, my lords, permit me in a few words to lead you back to what we did yesterday, that you may the better comprehend the manner in which I mean to conclude the business to-day.

My lords, we took the liberty of stating to you the condition of Bengal before our taking possession of it, and of the several classes of its inhabitants. We first brought before you the Mahomedan inhabitants, who had the judicial authority of the country in their hands; and we proved to you

the utter ruin of that body of people, and with them of the justice of the country, by their being both one and the other sold to an infamous women called Munny Begum. We next showed you that the whole landed interest, the zemindars or Hindoo gentry of the country, was likewise ruined by its being given over by letting it on a five years' lease to infamous farmers, and giving it up to their merciless exactions; and afterwards by subjecting the rank of those zemindars, their title deeds, and all their pecuniary affairs, to the minutest scrutiny, under pain of criminal punishment, by a commission granted to a nefarious villain, called Gunga Govin Sing. We lastly showed you, that the remaining third class, that of the English, was partly corrupted, or had its authority dissolved, and that the whole superintending English control was subverted or subdued; that the products of the country were diminished, and that the revenues of the Company were dilapidated, by an overcharge of expenses in four years to the amount of £500,000, in consequence of these corrupt, dangerous, and mischievous projects.

We have further stated that the Company's servants were corrupted by contracts and jobs; we proved that those that were not so corrupted were removed from their stations or reduced to a state of abject dependence; we showed you the destruction of the provincial councils; the destruction of the council general; and the formation of a committee for no other ends whatever but for the purposes of bribery, concealment, and corruption. We next stated some of the most monstrous instances of that bribery; and though we were of opinion that in none of them any satisfactory defence worth mentioning had been made, yet we have thought that this should not hinder us from recalling to your lordships' recollection the peculiar nature and circumstances of one of those proceedings.

The proceedings to which we wish to call your attention are those belonging to the second bribe given by the Nabob of Oude to Mr. Hastings. Mr. Hastings's own knowledge and opinion, that that money was set apart for his use, either in bills or assets, I have before stated; and I now wish to call your lordships' minute recollection to the manner in which the fraudulent impeachment of Mr. Middleton, for the purpose of stifling an inquiry into that business, was carried

on. Your lordships will remember that I proved to you, upon the face of that proceeding, the collusive nature of the accusation; and that the real state of the case was not charged; and that Mr. Hastings acquitted the party accused, of one article of the charge, not upon the evidence of the case, contrary to his own avowed, declared, moral certainty of his guilt, but upon a pretended appeal to the conscience of the man accused. He did not, however, give him a complete, formal, official acquittal, but referred the matter to the court of directors, who could not possibly know anything of the matter, without one article of evidence whatever produced at the time, or transmitted. We lastly proved to you, that, after finding him guilty of five charges, and leaving the other to the court of directors, Mr. Hastings, without any reason assigned, appointed him to a great office in the Company's service.

These proceedings were brought before you for two purposes;—first, to show the corrupt principle of the whole proceeding; next, to show the manner in which the Company's servants are treated. They are accused and persecuted, until they are brought to submit to whatever terms it may be thought proper to impose upon them. They are then formally, indeed, acquitted of the most atrocious crimes charged against them; but virtually condemned upon some articles, with the scourge hung over them; and in some instances rewarded by the greatest, most honourable, and most lucrative situations in the Company's service. My lords, it is on the same ground of the wicked, pernicious, and ruinous principles of Mr. Hastings's government, that I have charged this with everything that is chargeable against him, namely, that if your lordships should ratify those principles by your acquittal of him, they become principles of government; rejected indeed by the Commons, but adopted by the Peerage of Great Britain.

There is another article which I have just touched; but which I must do more than barely notice, upon account of the evil example of it—I mean the taking great sums of money, under pretence of an entertainment. Your lordships will recollect, that when this business was charged against him in India, Mr. Hastings neither affirmed nor denied the fact. Confession could not be there extorted from him.

He next appeared before the House of Commons, and he still evaded a denial or a confession of it. He lastly appeared before your lordships, and in his answer to our charge he in the same manner evaded either a confession or a denial. He forced us to employ a great part of a session in endeavouring to establish what we have at last established, the receipt of the sums first charged, and of seven lacks more, by him. At length the proof could not be evaded, and after we had fought through all the difficulties which the law could interpose in his defence, and of which he availed himself with a degree of effrontery that has, I believe, no example in the world, he confesses, avows, and justifies his conduct. If the custom alleged be well founded, and be an honourable and a proper and just practice, why did he not avow it in every part and progress of our proceedings here? Why should he have put us to the necessity of wasting so many months in the proof of the fact? And why, after we have proved it, and not before, did he confess it, avow it, and even glory in it?

I must remind your lordships, that the sum charged to be so taken by way of entertainment made only a part, a single article, of the bribes charged by Nundcomar to have been received by Mr. Hastings; and when we find him confessing, what he could not deny, that single article, and evading all explanation respecting the others, and not giving any reason whatever why one was received and the others rejected, your lordships will judge of the strong presumption of his having taken them all, even if we had given no other proofs of it. We think, however, that we have proved the whole very satisfactorily. But whether we have or not, the proof of a single present received is sufficient; because the principle to be established respecting these bribes is this—whether or not a Governor-General, paying a visit to any of the poor, miserable, dependent creatures called sovereign princes in that country (men whom Mr. Hastings has himself declared to be nothing but phantoms, and that they had no one attribute of sovereignty about them), whether, I say, he can consider them to be such sovereign princes as to justify his taking from them great sums of money by way of a present. The Nabob, in fact, was not a sovereign prince, nor a country power in any sense but that which the Company meant to exempt from the custom of making presents. It was their

design to prevent their servants from availing themselves of the real dependence of the nominal native powers to extort money from them under the pretence of their sovereignty Such presents, so far from being voluntary, were in reality obtained from their weakness, their hopeless and unprotected condition; and you are to decide whether or not this custom, which is insisted upon by the prisoner's counsel, with great triumph, to be a thing which he could not evade, without breaking through all the usages of the country, and violating principles established by the most clear law of India, is to be admitted as his justification.

It was on this very account, namely, the extortion suffered by these people under the name or pretence of presents, that the Company first bound their servants by a covenant, which your lordships shall now hear read:—"That they shall not take any grant of lands, or rents, or revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian princes, soubahs, or nabobs, or any of their ministers, servants, or agents, for any service or services, or upon any account or pretence whatsoever, without the licence or consent of the court of directors."

This clause in the covenant had doubtless a regard to Lord Clive and to Sir Hector Munro, and to some others who had received gifts and grants of jaghires and other territorial revenues that were confirmed by the Company. But though this confirmation might be justifiable at a time when we had no real sovereignty in the country, yet the Company very wisely provided afterwards that, under no pretence whatever, should their servants have the means of extorting from the sovereigns or pretended sovereigns of the country any of their lands or possessions. Afterwards it appeared that there existed abuses of a similar nature, and particularly (as was proved before us in the year 1773, and reported to our House, upon the evidence of Mahomed Reza Khân) the practice of frequently visiting the princes; and of extorting, under pretence of such visits, great sums of money.—All their servants, and the Governor-General particularly, were therefore obliged to enter into the following covenant:—"That they shall not, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive, any gift, reward,

gratuity, allowance, donation, or compensation, in money, effects, jewels, or otherwise howsoever, from any of the Indian princes, sovereigns, soubahs, or nabobs, any of their ministers, servants, or agents, exceeding the value of 4,000 rupees, for any service or services performed by them in India, or upon any other account or pretence whatsoever."

By this covenant, my lords, Mr. Hastings is forbidden to accept, upon any pretence and under any name whatsoever, any sum above 4,000 rupees; that is to say, any sum above £400. Now, the sum that was here received is £18,000 sterling, by way of a present, under the name of an allowance for an entertainment, which is the precise thing which his covenant was made to prevent. The covenant suffered him to receive £400;—if he received more than that money he became a criminal; he had broken his covenant, and forfeited the obligation he had made with his masters. Think with yourselves, my lords, what you will do if you acquit the prisoner of this charge. You will avow the validity, you will sanction the principle of his defence; for as the fact is avowed, there is an end of that.

Good God, my lords! Where are we? If they conceal their gifts and presents, they are safe by their concealment; if they avow them, they are still safer. They plead the customs of the country, or rather the customs which we have introduced into the country; customs which have been declared to have their foundation in a system of the most abominable corruption, the most flagitious extortion, the most dreadful oppression; those very customs which their covenant is made to abolish. Think where your lordships are. You have before you a covenant, declaring that he should take under no name whatever (I do not know how words could be selected in the English language more expressive) any sum more than £400. He says, I have taken £18,000; he makes his counsel declare, and he desires your lordships to confirm their declaration, that he is not only justifiable in so doing, but that he ought to do so; that he ought to break his covenant, and act in direct contradiction to it. He does not even pretend to say that this money was intended, either inwardly or outwardly, avowedly or covertly, for the Com-

pany's service. He put absolutely into his own pocket £18,000 besides his salary.

Consider, my lords, the consequences of this species of iniquity. If any servant of the Company, high in station, chooses to make a visit from Calcutta to Moorshedabad, which Moorshedabad was then the residence of our principal revenue government; if he should choose to take an airing for his health; if he has a fancy to make a little voyage for pleasure as far as Moorshedabad, in one of those handsome barges or budgerows of which you have heard so much in his charge against Nundcomar,—he can put £20,000 into his pocket any day he pleases, in defiance of all our acts of parliament, covenants, and regulations.

Do you make your laws, do you make your covenants, for the very purpose of their being evaded? Is this the purpose for which a British tribunal sits here, to furnish a subject for an epigram, or a tale for the laughter of the world? Believe me, my lords, the world is not to be thus trifled with. But, my lords, you will never trifle with your duty. You have a gross, horrid piece of corruption before you, impudently confessed, and more impudently defended. But you will not suffer Mr. Hastings to say, I have only to go to Moorshedabad, or to order the Nabob to meet me half way, and I can set aside and laugh at all your covenants and acts of parliament. Is this all the force and power of the covenant, by which you would prevent the servants of the Company from committing acts of fraud and oppression; that they have nothing to do but to amuse themselves with a tour of pleasure to Moorshedabad, in order to put any sum of money in their pocket that they please?

But they justify themselves by saying, such things have been practised before. No doubt they have; and these covenants were made that they should not be practised any more. But your lordships are desired to say, that the very custom which the covenant is made to destroy—the very grievance itself, may be pleaded;—the abuse shall be admitted to destroy the law made to prevent it. It is impossible, I venture to say, that your lordships should act thus. The conduct of the criminal is not half so abhorrent as the justification is affronting to justice; whilst it tends to vilify and degrade

the dignity of the Peerage, and the character of the Commons of Great Britain, before the former and against the latter of which such a justification is produced in the face of the world.

At the same time that we call for your justice upon this man, we beseech you to remember, the severest justice upon him is the tenderest pity towards the innocent victims of his crimes. Consider what was at that time the state of the people, from whom, in direct defiance of his covenant, he took this sum of money. Were they at this time richer, were they more opulent, was the state of the country more flourishing, than when Mr. Sumner, when Mr. Vansittart, in short, than when the long line of Mr. Hastings's predecessors visited that country? No; they were not.—Mr. Hastings at this very time had reduced the Nabob's income from £450,000 sterling a year, exclusive of other considerable domains and revenues, to £160,000. He was indeed an object of compassion. His revenues had not only been reduced, during his state of minority, but they were reduced when he afterwards continued in a state in which he could do no one valid act; and yet, in this state, he was made competent to give away, under the name of compensation for entertainments, the sum of £18,000; perhaps at that time nearly all he had in the world.

Look at your minutes, and you will find Mr. Hastings had just before this time said, that the bread of ten thousand persons, many of them of high rank, depended upon the means possessed by the Nabob for their support; that his heart was cut and afflicted to see himself obliged to ruin and starve so many of the Mahomedan nobility; the greatest part of whose yet remaining miserable allowances were now taken away. You know, and you will forgive me again remarking, that it is the nature of the eagles and more generous birds of prey to fall upon living healthy victims; but that vultures and carrion crows, and birds of that base and degenerate kind, always prey upon dead or dying carcases. It is upon ruined houses, it is upon decayed families, it is upon extinguished nobility, that Mr. Hastings chooses to prey, and to justify his making them his prey.

But again we hear, my lords, that it is a custom, upon ceremonial and complimentary visits, to receive these presents. Do not let us deceive ourselves. Mr. Hastings was

there upon no visit either of ceremony or politics; he was a member, at that time, of the committee of circuit which went to Moorshedabad for the purpose of establishing a system of revenue in the country; he went up upon that business only as a member of the committee of circuit, for which business he was, like other members of the committee of circuit, amply paid, in addition to his emoluments as Governor, which amounted to about £30,000 a year. Not satisfied with those emoluments, and without incurring new known expense of any kind or sort, he was paid for the extra expenses of his journey, as appears in your minutes, like other members of the committee of circuit. In fact, he was on no visit there at all. He was merely executing his duty in the settlement of the revenue, as a member of the committee of circuit. I do not mean to praise the committee of circuit in any way; God forbid I should; for we know that it was a committee of robbers. He was there as one of that committee, which I am pretty well justified in describing as I have done, because the court of directors, together with the Board of Control, did, in the year 1786, declare that the five years' settlement (which originated in that committee) was a thing bought and sold; your lordships may read it whenever you please, in the 80th paragraph of their letter.

Your lordships are now fully in possession of all the facts upon which we charge the prisoner with peculation, by extorting or receiving large sums of money, upon pretence of visits, or in compensation of entertainments. I appeal to your lordships' consciences for a serious and impartial consideration of our charge. This is a business not to be hurried over in the mass, as amongst the acts of a great man, who may have his little errors among his great services; no; you cannot, as a judicial body, huddle all this into a hotchpotch, and decide upon it in a heap. You will have to ask yourselves, Is this justifiable by his covenant; is this justifiable by law; is this justifiable under the circumstances of the case, by an enlarged discretion? Is it to be justified under any principles of humanity? Would it be justifiable by local customs, if such were applicable to the case in question; and even if it were, is it a practice fit for an English Governor-General to follow?

I dwell the longer upon this, because the fact is avowed;

the whole is an issue of law between us, whether a Governor-General, in such a case, ought to take such money; and therefore, before I finally dismiss it, I beg leave to restate it briefly once more for your lordships' consideration.

First, I wish to leave fixed in your lordships' minds, what is distinctly fixed, and shall never go out of ours, that his covenant did not allow him to take above £400 as a present, upon any pretence whatsoever.

Your lordships will observe, we contend that, if there was a custom, this covenant puts an end to that custom. It was declared and intended so to do. The fact is, that, if such custom existed at all, it was a custom applicable only to an ambassador or public minister, sent on a necessary complimentary visit to a sovereign prince. We deny positively that there is any such general custom. We say, that he never was any such minister, and that he never went upon any such complimentary visit. We affirm, that when he took this money he was doing an act of quite another nature, and came upon that business only to Moorshedabad, the residence of the prince of the country. Now, do you call a man who is going to execute a commission, a commission more severe than those issued against bankrupts—a commission to take away half a man's income, and to starve a whole body of people dependent upon that income,—do you call this a complimentary visit? Is this a visit for which a man is to have great entertainments given him? No; the pretence for taking this money is worse than the act itself. When a man is going to execute upon another such harsh cruelty, when he is going upon a service at which he himself says his mind must revolt, is that precisely the time when he is to take from his undone host a present, as if he was upon a visit of compliment, or about to confer some honour or benefit upon him,—to augment his revenues, to add to his territories, or to conclude some valuable treaty with him? Was this a proper time to take at all from an helpless minor so large a sum of money? And here I shall leave this matter for your lordships' consideration, after reminding you that this poor Nabob is still at Moorshedabad, and at the mercy of any English gentleman who may choose to take £18,000 or any other given sum of money from him, after the example of the prisoner at your bar, if it should be sanctioned by your

connivance. Far different was the example set him by General Clavering. In page 1269, your lordships will find the most honourable testimony to the uprightness and fidelity of this meritorious servant of the Company. It runs thus: "Conceiving it to be the intention of the legislature that the Governor-General and members of the council should receive no presents, either from the Indian powers or any persons whatever, he [General Clavering] has strictly complied, since his arrival here, both with the spirit and the letter of the act of parliament, and has accordingly returned all the presents which have been made to him." I have dwelt thus long upon this subject, not merely upon account of its own corrupt character, which has been sufficiently stigmatized by my honourable colleague, but upon account of the principle that is laid down by the prisoner, in his defence of his conduct,—a principle directly leading to a continuance of the same iniquitous practice, and subversive of every attempt to check or control it.

I must beg leave to recall your lordships' attention to another but similar instance of his peculation,—another and new mode of taking presents,—I mean the present which Mr. Hastings took through Gunga Govin Sing from those farmers of the revenues amongst whom he had distributed the pillage of the whole country. This scandalous breach of his covenant he attempts to justify, by the inward intention of his own mind to apply the money so taken to the public service. Upon this, my lords, I shall only observe, that this plea of an inward intention in his own mind may, if admitted, justify any evil act whatever of this kind. You have seen how presents from the Nabob are justified. You have seen how the taking a sum of money, or allowance for entertainment, directly contrary to the covenant, how that is attempted to be justified. You see in what manner he justifies this last-mentioned act of peculation, and your lordships will now have to decide upon the validity of these pleas. There still remains unobserved upon an instance of his malversation wholly new in its kind, to which I will venture to desire your lordships very seriously to turn your attention. In all the cases of peculation or malversation in office that ever have been tried before this high court, or before any lower court of judicature, in all the judicial records of modern

crimes, or of antiquity, you will not find anything in any degree like it. We have all, in our early education, read the Verrine Orations. We may read them, not merely to instruct us, as they will do, in the principles of eloquence, and to acquaint us with the manners, customs, and laws of the ancient Romans, of which they are an abundant repository; but we may read them from a much higher motive. We may read them from a motive which the great author had doubtless in his view, when by publishing them he left to the world and to the latest posterity a monument, by which it might be seen what course a great public accuser, in a great public cause, ought to pursue; and, as connected with it, what course judges ought to pursue, in deciding upon such a cause. In these Orations you will find almost every instance of rapacity and peculation which we charge upon Mr. Hastings. Undoubtedly, many Roman and English governors have received corrupt gifts and bribes, under various pretences. But in the cause before your lordships, there is one species of disgrace in the conduct of the party accused which I defy you to find in Verres, or in the whole tribe of Roman peculators, in any governor-general, pro-consul, or viceroy. I desire you to consider it not intended, in any other class of crimes, but as a species apart by itself. It is an individual, a single case: but it is like the phœnix, it makes a class or species by itself—I mean the business of Nobkissin. The money taken from him was not money pretended to be received in lieu of entertainment; it was not money taken from a farmer-general of revenue, out of an idea that his profits were unreasonable, and greater than government ought to allow; it was not a donation from a great man, as an act of his bounty. No; it was a sum of money taken from a private individual, or rather, as has been proved to you by Mr. Larkins, his own book-keeper, money borrowed, for which he had engaged to give his bond. That he had actually deposited his bond for this money, Mr. Larkins has proved to you; and that the bond was carried to Nobkissin's credit, in his account with the government. But Mr. Hastings, when he was called upon for the money, withdraws the bond; he will not pay the money, he refused to pay it upon the applications made to him, both in India and here at home; and he now comes to your lordships, and says, I borrowed this money;

I intended to give my bond for it, as has been proved before you; but I must have it for my own use. We have heard of governors being everything that is bad and wicked; but a governor putting himself in the situation of a common cheat, of a common swindler, never was, I believe, heard of since the creation of the world, to this day. This does not taste of the common oppressions of power; this does not taste of the common abuses of office; but it in no way differs from one of those base swindling cases that come to be tried, and heavily punished, in the King's Bench every day. This is neither more nor less than a plain barefaced cheat.

Now, my lords, let us see how it is justified. To justify openly and directly a cheat, to justify a fraud upon an individual, is reserved for our times. But, good Heavens, what a justification have we here! Oh, my lords, consider into what a state Indian corruption has brought us in this country, when any person can be found to come to the bar of the House of Lords, and say, I did cheat; I did defraud; I did promise and gave my bond; I have now withdrawn it; but I will account for it to you as to a gang of robbers concerned with me in the transaction. I confess I robbed this man, but I have acted as trustee for the gang. Observe what I have done for the gang; come forward, Mr. Auriol, and prove what handsome budgerows I gave the Company; were not they elegantly painted, beautifully gilt, charming and commodious? I made use of them as long as I had occasion; and, though they are little worse for wear, and would hardly suffer the least per centage deduction from prime cost upon them, I gave them to the Company. Oh, I did not put the money into my own pocket; I provided for myself, and wore a suit of lace clothes, when I was Jew bail for some of this Company; it will turn, for it is hardly the worse for wear, though I appeared two or three times in different characters, as bail for you on such and such an occasion; I therefore set off these items against this money which I gained by swindling on your account. It is true I also picked such a one's pocket of a watch; here it is; I have worn it as long as it was convenient; now I give the watch to the Company, and let them send it to the pawnbroker for what it will bring. Besides all this, I maintained aid-de-camps for you, and gave them house rent. (By the way, my lords, what sort of aid-

de-camps were these? Who made him a military man, and to have such a legion of aid-de-camps?) But, says he, I paid house rent for them; that is, in other words, I paid at night cellars and houses in Saint Giles's sixpence a week for some of the gang. (This, my lords, is the real spirit of the whole proceeding, and more especially of the last item in it.) Then, says he, I was the gang's schoolmaster, and taught lessons on their account. I founded a Mahomedan school (your lordships have already heard something of this shameful affair, of this scene of iniquity, I think of such iniquity as the world never yet had to blush at). I founded a Mahomedan college for your use, and I bore the expense of it from September, 1780, when I placed a professor there, called Muged O'den. This Muged O'den was to perfect men by contract, in all the arts and sciences, in about six months; and the chief purpose of the school was, as Mr. Hastings himself tells you, to breed theologians, magistrates, and molavies, that is to say, judges and doctors of law, who were to be something like our masters in chancery, the assessors of judges, to assist them in their judgments. Such was the college founded by Mr. Hastings, and he soon afterwards appropriated one of the Company's estates (I am speaking of matters of public notoriety) worth £3,000 a year, for its support. Heaven be praised, that Mr. Hastings, when he was resolved to be pious and munificent, and to be a great founder, chose a Mahomedan rather than a Christian foundation; so that our religion was not disgraced by such a foundation.

Observe how he charges the expense of the foundation to the Company twice over.—He first makes them set aside an estate of £3,000 a year for its support. In what manner this income was applied during Mr. Hastings's stay in India no man living knows; but we know that, at his departure, one of the last acts he did was to desire it should be put into the hands of Muged O'den. He afterwards, as you have seen, takes credit to himself with the Company, for the expenses relative to this college. I must now introduce your lordships to the last visitation that was made of this college: It was visited by order of Lord Cornwallis in the year 1788, upon the complaints made against it, which I have already mentioned to your lordships,—that it was a sink of filth, vermin, and misery. Mr. Chapman, who was the visitor and

the friend of Mr. Hastings, declares that he could not sit in it even for a few minutes. His words are, "The wretched, squalid figures that from every part ran out upon me appeared to be more like anything else than students." In fact a universal outcry was raised by the whole city against it, not only as a receptacle of every kind of abuse; not only of filth and excrements, which made it stink in the natural nostrils, but of worse filth, which made it insufferably offensive to the moral nostrils of every inhabitant. Such is the account given of a college supported at an expense of £3,000 a year (a handsome foundation for a college), and for building which the Company was charged £5,000; though no vouchers of its expenditure were ever given by Mr. Hastings. But this is not all. When Lord Cornwallis came to inquire into it, he found that Muged O'den had sunk the income of the estates from £3,000 to £2,000 a year. In short, that it had been a scene of peculation, both by the masters and scholars, as well as of abandonment to every kind of vicious and licentious courses; and all this without the shadow of any benefit having been derived from it. The visitors expressly inquired whether there was any good mixed with all this evil; and they found it was all bad and mischievous from one end to the other. Your lordships will remark, that the greatest part of this disgusting business must have been known to Mr. Hastings when he gave to Muged O'den the disposal of £3,000 a year.—And now, my lords, can you vote this money, expended in the manner which I have stated to you, to be a set-off in his favour, in an account for money which was itself swindled from a private individual?

But there still remains behind another more serious matter belonging to this affair, and I hope you will not think that I am laying too much stress upon it, when I declare, that if I were to select from the whole of his conduct one thing more dishonourable than another to the British nation, it would be that which I am now about to mention. I will leave your lordships to judge of the sincerity of this declaration, when you shall have heard read a paper produced by the prisoner in justification of conduct such as I have stated his to have been. It is the razynama, or attestation of Munny Begum (the woman whom Mr. Hastings placed in the seat of justice in that country), concerning this college, made precisely at

the time of this inquisition by Lord Cornwallis into the management of it. Your lordships will see what sort of things attestations are from that country; that they are attestations procured in diametrical contradiction to the certain knowledge of the party attesting. It is in page 2350 of your minutes. Indeed, my lords, these are pages which, unless they are effaced by your judgment, will rise up in judgment against us, some day or other.

"He [Mr. Hastings] respected the learned and wise men, and, in order for the propagation of learning, he built a college, and endowed it with a provision for the maintenance of the students, insomuch that thousands reaping the benefits thereof offer up their prayers for the prosperity of the king of England, and for the success of the Company."

I must here remind your lordships of another attestation of the same character, and to the same effect. It comes from Mahomed Reza Khân, who, as your lordships will remember, had been reduced by Mr. Hastings from a situation of the highest rank and authority, with an income of suitable magnitude, to one of comparative insignificance, with a small salary annexed. This man is made to disgrace himself, and to abet the disgrace and injury done to his country, by bearing his testimony to the merits of this very college.

I hope your lordships will never lose sight of this aggravating circumstance of the prisoner's criminality, namely, that you never find any wicked, fraudulent, and criminal act, in which you do not find the persons who suffered by it, and must have been well acquainted with it, to be the very persons who are brought to attest in its favour. O Heaven! but let shame for one moment veil its face, let indignation suppress its feelings, whilst I again call upon you to view all this as a mere swindling transaction, in which the prisoner was attempting to defraud the Company. Mr. Hastings has declared, and you will find it upon the Company's records, that this institution (which cost the Company not less than £40,000 in one way or other) did not commence before October, in the year 1780; and he brings it before the board in April, 1781, that is, about six months after its foundation. Now look at his other account, in which he makes it to be-

gin in the year 1779, and in which he has therefore overcharged the expenses of it a whole year; but Mr. Larkins, who kept this latter account for him, may have been inaccurate. Good Heavens! where are we? Mr. Hastings, who was bred an accountant, who was bred in all sorts of trade and business, declares that he keeps no accounts. Then comes Mr. Larkins, who keeps an account for him; but he keeps a false account. Indeed, all the accounts from India, from one end to another, are nothing but a series of fraud, while Mr. Hastings was concerned in them. Mr. Larkins, who keeps his private account just as his master kept the public accounts, has swindled from the Company a whole year's expenses of this college. I should not thus repeatedly dwell upon this transaction, but because I wish your lordships to be cautious how you admit such accounts at all to be given in evidence, into the truth of which you cannot penetrate in any regular way. Upon the face of the two accounts there is a gross fraud. It is no matter which is true or false; as it is an account which you are in no situation to decide upon. I lay down this as a fixed judicial rule, that no judge ought to receive an account (which is as serious a part of a judicial proceeding as can be) the correctness of which he has no means of ascertaining, but must depend upon the sole word of the accountant.

Having stated therefore the nature of the offence, which differs nothing from a common dog-trot fraud, such as we see amongst the meanest of mankind, your lordships will be cautious how you admit these, or any other of his pretended services, to be set off against his crimes. These stand on record confessed before you; the former, of which you can form no just estimate, and into which you cannot enter, rest for their truth upon his own assertions; and they all are found, upon the very face of them, to carry marks of fraud as well as of wickedness.

I have only further to observe to your lordships, that this Muged O'den, who, under the patronage of Mr. Hastings, was to do all these wonders, Lord Cornwallis turned out of his office with every mark of disgrace, when he attempted to put into some more respectable state that establishment which Mr. Hastings had made a sink of abuse.

I here conclude all that I have to say upon this business,

trusting that your lordships will feel yourselves more offended, and justice more insulted, by the defence than by the criminal acts of the prisoner at your bar; and that your lordships will concur with us in thinking, that to make this unhappy people make these attestations, knowing the direct contrary of every word which they say to be the truth, is a shocking aggravation of his guilt. I say they must know it. For Lord Cornwallis tells you it is notorious; and if you think fit to inquire into it, you will find that it was unusually notorious.

My lords, we have now brought to a conclusion our observation upon the effects produced by that mass of oppressions which we have stated and proved before your lordships; namely, its effects upon the revenues and upon the public servants of the Company. We have shown you how greatly the former were diminished, and in what manner the latter were reduced to the worst of all bad states, a state of subserviency to the will of the Governor-General. I have shown your lordships that in this state they were not only rendered incapable of performing their own duty, but were fitted for the worst of all purposes, coöperation with him in the perpetration of his criminal acts, and collusion with him in the concealment of them. I have lastly to speak of these effects, as they regard the general state and welfare of the country. And here your lordships will permit me to read the evidence given by Lord Cornwallis, a witness called by the prisoner at your bar, Mr. Hastings himself.

The evidence of Lord Cornwallis, page 2721: "*Q.* Whether your lordship recollects an account that you have given to the court of directors, in your letter of the 2nd of August, 1789, concerning the state of those provinces? *A.* I really could not venture to be particular as to any letter I may have written so long since, as I have brought no copies of my letters with me from India, having left them at Bengal when I went to the coast.—*Q.* Whether your lordship recollects in any letter that you wrote about the 2nd of August, 1789, paragraph 18, any expressions to this effect, namely, 'I am sorry to be obliged to say, that agriculture and internal commerce have, for many years, been gradually declining, and that at present, excepting the class of shroffs

and banyans, who reside almost entirely in great towns, the inhabitants of these provinces were advancing hastily to a general state of poverty and wretchedness;' whether your lordship recollects that you have written a letter to that effect? *A.* I cannot take upon me to recollect the words of a letter that I have written five years ago, but I conclude I must have written to that effect.—*Q.* Whether your lordship recollects, that in the immediately following paragraph, the 19th, you wrote to this effect: 'In this description, namely the foregone description, I must even include almost every zemindar in the Company's territories, which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of management, paragraph 20. The settlement, in conformity to your orders, will only be made for ten years certain, with the notification of its being your intention to declare it a perpetual, an unalterable assessment of these provinces, if the amount and the principles upon which it has been made should meet with your approbation;' whether your lordship recollects to have written something to the effect of these two last paragraphs, as well as of the first? *A.* I do recollect that I did write it; but in that letter I alluded to the former system of annual assessments.—*Q.* Whether your lordship recollects, that you wrote, on or about the 18th of September, 1789, in one of your minutes, thus, 'I may safely assert, that one third of the Company's territory in Indostan is now a jungle, inhabited only by wild beasts; will a ten years' lease induce any proprietor to clear away that jungle, and encourage the rajot to come and cultivate his lands, when at the end of that lease he must either submit to be taxed *ad libitum* for the newly cultivated lands, or lose all hopes of deriving any benefit from his labour, for which, perhaps, by that time he will hardly be repaid?' whether your lordship recollects a minute to that effect? *A.* I perfectly recollect to have written that minute.—*Q.* Now with respect to a letter, dated November the 3rd, 1788, paragraph 38 containing the following sentiments: 'I shall therefore only remark in general, that, from frequent changes of system or other reasons, much is wanting to establish good order and regulations in the internal business of the

country, and that, from various causes, by far the greatest part of the zemindars, and other landholders and renters, are fallen into a state much below that of wealth and affluence; this country, however, when the fertility of its soil and the industry and ingenuity of its numerous inhabitants are taken into consideration, must unquestionably be admitted to be one of the finest in the world; and with the uniform attention of government to moderation in exaction, and to a due administration of justice, may long prove a source of great riches, both to the Company and to Britain. Paragraph 39. I am persuaded, that by a train of judicious measures the land revenue of these provinces is capable in time of being increased; but consistent with the principles of humanity and even those of your own interest, it is only by adopting measures for the gradual cultivation and improvement of these waste lands, and by a gentle and cautious plan for the resumption of lands that have been fraudulently alienated, that it ought ever to be attempted to be accomplished. Men of speculative and sanguine dispositions, and others, either from the ignorance of the subject, or with views of recommending themselves to your favour, may confidently hold forth specious grounds to encourage you to hope that a great and immediate accession to that branch of your revenue might be practicable; my public duty obliges me to caution you, in the most serious manner, against listening to propositions which recommend this attempt, because I am clearly convinced that if carried into execution they would be attended with the most baneful consequences. Paragraph 40. Desperate adventurers, without fortune or character, would undoubtedly be found, as has already been too often experienced, to rent the different districts of the country at the highest rates that could be put upon them; that the delusion would be of a short duration, and the impolicy and inhumanity of the plan would, when perhaps too late for effectual remedy, become apparent by the complaints of the people and the disappointments at the treasury in the payments of the revenue, and would probably terminate in the ruin and depopulation of the unfortunate country;' whether your lordship recollects to have written anything to that effect about that time? *A.* I perfectly recollect having written the extracts that have been read."

My lords, Lord Cornwallis has been called, he has been examined before you. We stopped our proceedings ten days for the purpose of taking his evidence. We do not regret this delay; and he has borne the testimony which you have heard, to the effects of Mr. Hastings's government; of a country once the most fertile and cultivated; of a people the most industrious, flourishing, and happy; that the one was wasted and desolated, the other reduced to a condition of want and misery; and that the zemindars, that is, the nobility and gentry of the country, were so beggared, as not to be able to give even a common decent education to their children, notwithstanding the foundation of Mr. Hastings's colleges. You have heard this noble person, who had been an eye-witness of what he relates, supplicating for their relief, and expressly stating, that most of the complicated miseries, and perhaps the cruellest of the afflictions they endured, arose from the management of the country having been taken out of the hands of its natural rulers, and given up to Mr. Hastings's farmers, namely, the banyans of Calcutta. These are the things that ought to go to your lordships' hearts. You see a country wasted and desolated. You see a third of it become a jungle for wild beasts. You see the other parts oppressed by persons in the form and shape of men, but with all the character and disposition of beasts of prey. This state of the country is brought before you, and by the most unexceptionable evidence, being brought forward through Mr. Hastings himself. This evidence, whatever opinion you may entertain of the effrontery or of the impudence of the criminal who has produced it, is of double and treble force. And yet at the very time when Lord Cornwallis is giving this statement of the country and its inhabitants, at the very time when he is calling for pity upon their condition, are these people brought forward to bear testimony to the benign and auspicious government of Mr. Hastings, directed, as your lordships know it was, by the merciful and upright Gunga Govin Sing.

My lords, you have now the evidence of Lord Cornwallis, on the one hand, and the razynamas of India, on the other. But before I dismiss this part of my subject, I must call your lordships' attention to another authority; to a declaration, strictly speaking *legal*, of the state to which our Indian provinces were reduced, and of the oppressions which they

have suffered during the government of Mr. Hastings. I speak of the act 24 Geo. III., cap. 25; intituled, "An Act for the better regulation and management of the affairs of the *East India* Company, and of the *British* Possessions in *India;* and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the *East Indies;*" § 39.

My lords, here is an act of parliament; here are regulations enacted in consequence of an inquiry which had been directed to be made into the grievances of India for the redress of them. This act of parliament declares the existence of oppressions in the country. What oppressions were they? The oppressions which it suffered by being let out to the farmers of the Company's revenues. Who was the person that sold these revenues to the farmers? Warren Hastings. By whom were these oppressions notified to the court of directors? By Lord Cornwallis. Upon what occasion were these letters written by my Lord Cornwallis? They were answers to inquiries made by the court of directors, and ordered by an act of parliament to be made. The existence then of the grievances, and the cause of them, are expressly declared in an act of parliament. It orders an inquiry, and Lord Cornwallis, in consequence of that inquiry, transmits to the court of directors this very information; he gives you this identical state of the country; so that it is consolidated, mixed, and embodied with an act of parliament itself, which no power on earth, I trust, but the power that made it, can shake. I trust, I say, that neither we, the Commons, nor you, the Lords, nor his Majesty, the sovereign of this country, can shake one word of this act of parliament,—can invalidate the truth of its declaration, or the authority of the persons, men of high honour and character, that made that inquiry and this report. Your lordships must repeal this act in order to acquit Mr. Hastings.

But Mr. Hastings and his counsel have produced evidence against this act of parliament, against the order of the court of directors, by which an inquiry and report were made under that act, against Lord Cornwallis's return to that inquiry; and now, once for all, hear what the miserable wretches are themselves made to say, to invalidate the act of parliament, to invalidate the authority of the court of directors, to inva-

lidate the evidence of an official return of Lord Cornwallis under the act. Pray hear what these miserable creatures describe as an elysium, speaking with rapture of their satisfaction under the government of Mr. Hastings.

"All we, zemindars, choudries, and talookdars of the district of Akbarnagur, commonly called Raje Mhal, in the kingdom of Bengal, have heard that the gentlemen in England are displeased with Mr. Hastings, on suspicion that he oppressed us inhabitants of this place, took our money by deceit and force, and ruined the country; therefore we, upon the strength of our religion and religious tenets, which we hold as a duty upon us, and in order to act conformable to the duties of God, in delivering evidence, relate the praiseworthy actions, full of prudence and rectitude, friendship and politeness, of Mr. Hastings, possessed of great abilities and understanding, and by representing facts, remove the doubts that have possessed the minds of the gentlemen in England;—that Mr. Hastings distributed protection and security to religion, and kindness and peace to all; he is free from the charge of embezzlement and fraud, and that his heart is void of covetousness and avidity; during the period of his government, no one experienced from him other than protection and justice, never having felt hardships from him, nor did the poor ever know the weight of an oppressive hand from him.

"Our characters and reputations have always been guarded in quiet from attack by the vigilance of his power and foresight, and preserved by the terror of his justice; he never omitted the smallest instance of kindness and goodness towards us and those entitled to it, but always applied by soothings and mildness the salve of comfort to the wounds of affliction, not allowing a single person to be overwhelmed by despair; he displayed his friendship and kindness to all; he destroyed the power of the enemies and wicked men by the strength of his terror; he tied the hands of tyrants and oppressors by his justice, and by this conduct he secured happiness and joy to us; he reëstablished the foundation of justice, and we at all times, during his government, lived in comfort and passed our days in peace; we are many, many of us satisfied and pleased with him. As Mr. Hastings was perfectly well acquainted with the manners and customs of

these countries, he was always desirous of performing that which would tend to the preservation of our religion, and of the duties of our sects, and guard the religious customs of each from the effects of misfortune and accidents; in every sense he treated us with attention and respect; we have represented, without deceit, what we have ourselves seen, and the facts that happened from him."—This, my lords, is in page 2374 of the printed minutes.

My lords, we spare you the reading of a great number of these attestations; they are all written in the same style; and it must appear to your lordships a little extraordinary, that as they are said to be totally voluntary, as the people are represented to be crowding to make these testimonials, there should be such an unison in the heart to produce a language that is so uniform, as not to vary so much as in a single tittle; that every part of the country, every province, every district, men of every caste and of every religion, should all unite in expressing their sentiments in the very same words and in the very same phrases. I must fairly say, it is a kind of miraculous concurrence, a miraculous gratitude. Mr. Hastings says, that gratitude is lost in this part of the world. There it blooms and flourishes, in a way not to be described. In proportion as you hear of the miseries and distresses of these very people, in the same proportion do they express their comfort and satisfaction, and that they never knew what a grievance was of any sort. Lord Cornwallis finds them aggrieved, the court of directors find them aggrieved, the parliament of Great Britain find them aggrieved, and the court here find them aggrieved, but they never found themselves aggrieved. Their being turned out of house and home, and having all their land given to farmers of revenue for five years to riot in, and despoil them of all they had, is what fills them with rapture. They are the only people, I believe, upon the face of the earth, that have no complaints to make of their government, in any instance whatever. Theirs must be something superior to the government of angels; for I verily believe, that if one out of the choir of the heavenly angels were sent to govern the earth, such is the nature of man, that many would be found discontented with it. But these people have no complaint, they feel no hard-

ships, no sorrow. Mr. Hastings has realized more than the golden age. I am ashamed for human nature, I am ashamed for our government, I am ashamed for this court of justice, that these things are brought before us; but here they are, and we must observe upon them.

My lords, we have done on our part; we have made out our case; and it only remains for me to make a few observations upon what Mr. Hastings has thought proper to put forward in his defence. Does he meet our case with anything but these general attestations, upon which I must first remark that there is not one single matter of fact touched upon in them? Your lordships will observe, and you may hunt them out through the whole body of your minutes, that you do not find a single fact mentioned in any of them. But there is an abundance of panegyric; and if we were doing nothing but making satires, as the newspapers charge us with doing against Mr. Hastings, panegyric would be a good answer.

But Mr. Hastings sets up pleas of merit upon this occasion. Now, undoubtedly no plea of merit can be admitted to extinguish, as your lordships know very well, a direct charge of crime; merit cannot extinguish crime. For instance, if Lord Howe, to whom this country owes so much as it owes this day for the great and glorious victory which makes our hearts glad, and I hope will insure the security of this country; yet if Lord Howe, I say, was charged with embezzling the king's stores, or applying them in any manner unbecoming his situation, to any shameful or scandalous purpose; if he was accused of taking advantage of his station to oppress any of the captains of his ships; if he was stated to have gone into a port of the allies of this country, and to have plundered the inhabitants, to have robbed their women, and broken into the recesses of their apartments; if he had committed atrocities like these, his glorious victory could not change the nature and quality of such acts.

My Lord Malmesbury has been lately sent to the king of Prussia, and we hope and trust that his embassy will be successful, and that this country will derive great benefit from his negotiations. But if Lord Malmesbury, from any subsidy that was to be paid to the king of Prussia, was to put £50,000 in his own pocket, I believe that his making a good and advantageous treaty with the king of Prussia would

never be thought a good defence for him. We admit, that if a man has done great and eminent services, though they cannot be a defence against a charge of crimes, and cannot obliterate them; yet, when sentence comes to be passed upon such a man, you will consider first, whether his transgressions were common lapses of human frailty, and whether the nature and weight of the grievances resulting from them were light in comparison with the services performed. I say that you cannot acquit him. But your lordships might think some pity due to him, that might mitigate the severity of your sentence. In the second place, you would consider whether the evidence of the services alleged to be performed was as clear and undoubted as that of the crimes charged. I confess that, if a man has done great services, it may be some alleviation of lighter faults; but then they ought to be urged as such,—with modesty, with humility, with confession of the faults; and not with a proud and insolent defiance. They should not be stated as proofs that he stands justified in the eye of mankind, for committing unexampled and enormous crimes. Indeed humility, suppliant guilt, always makes impression in our bosoms; so that, when we see it before us, we always remember that we are all frail men; and nothing but a proud defiance of law and justice can make us forget this for one moment. I believe the Commons of Great Britain, and I hope the persons that speak to you, know very well how to allow for the faults and frailties of mankind equitably.

Let us now see what are the merits which Mr. Hastings has set up against the just vengeance of his country, and against his proved delinquencies. From the language of the prisoner, and of his counsel, you would imagine some great, known, acknowledged services had been done by him. Your lordships recollect that most of these presumed services have been considered, and we are persuaded justly considered, as in themselves crimes. He wishes your lordships to suppose and believe that these services were put aside, either because we could not prove the facts against him, or could not make out that they were criminal, and consequently that your lordships ought to presume them to have been meritorious; and this is one of the grounds upon which he demands to be acquitted of the charges that have been brought forward and

proved against him. Finding in our proceedings, and recorded upon our journals, an immense mass of criminality with which he is charged; and finding that we had selected, as we were bound to select, such parts as might be most conveniently brought before your lordships (for to have gone through the whole would have been nearly impossible), he takes all the rest that we have left behind and have not brought here as charges, and converts them, by a strange metamorphosis, into merits.

My lords, we must insist, on the part of the House of Commons, we must conjure your lordships, for the honour of a coördinate branch of the legislature, that, whenever you are called upon to admit what we have condemned as crimes to be merits, you will at least give us an opportunity of being heard upon the matter; that you will not suffer Mr. Hastings, when attempting to defend himself against our charges, in an indirect and oblique manner, to condemn or censure the House of Commons itself, as having misrepresented to be crimes the acts of a meritorious servant of the public. Mr. Hastings has pleaded a variety of merits, and every one of these merits, without the exception of one of them, have been either directly censured by the House of Commons, and censured as a ground for legislative provision, or they remain upon the records of the House of Commons, with the vouchers for them, and proofs; and though we have not actually come to the question upon every one of them, we had come before the year 1782 to forty-five direct resolutions upon his conduct. These resolutions were moved by a person to whom this country is under many obligations, and whom we must always mention with honour, whenever we are speaking of high situations in this country, and of great talents to support them, and of long public services in the House of Commons. I mean Mr. Dundas, then lord advocate of Scotland, and now one of the principal secretaries of state, and at the head, and worthily and deservedly at the head, of the East Indian department. This distinguished statesman moved forty-five resolutions, the major part of them directly condemning these very acts which Mr. Hastings has pleaded as his merits, as being delinquencies and crimes. All that the House of Commons implore of your lordships is, that you will not take these things, which we call crimes, to be merits,

without hearing the House of Commons upon the subject-matter of them. I am sure you are too noble and too generous, as well as too just and equitable, to act in such a manner.

The first thing that Mr. Hastings brings forward in his defence is, that, whereas the Company were obliged to pay a certain tribute to the Mogul, in consideration of a grant by which the Moguls gave to us the legal title under which we hold the provinces of Bengal, Bahar, and Orissa, he did stop the payment of that tribute or acknowledgment, small as it was; that though bound by a treaty recognised by the Company, and recognised by the nation; though bound by the very sunnud by which he held the very office he was exercising, yet he had broken the treaty, and refused to pay the stipulated acknowledgment. Where are we, my lords? Is this merit? Good God Almighty! the greatest blockhead, the most ignorant, miserable wretch, a person without either virtue or talents, has nothing to do but to order a clerk to strike a pen through such an account, and then to make a merit of it to you. Oh! says he, I have by a mere breach of your faith, by a single dash of my pen, saved you all this money, which you were bound to pay. I have exonerated you from the payment of it. I have gained you £250,000 a year for ever. Will you not reward a person who did you such a great and important service, by conniving a little at his delinquencies?

But the House of Commons will not allow that this was a great and important service; on the contrary, they have declared the act itself to be censurable. There is our resolution—resolution the 7th; "That the conduct of the Company and their servants in India to the king (meaning the Mogul king) and Nudjiff Cawn, with respect to the tribute payable to the one, and stipend to the other, and with respect to the transfer of the provinces of Corah and Illahabad to the Vizier, was contrary to policy and good faith; and that such wise and practicable measures should be adopted in future, as may tend to redeem the national honour, and recover the confidence and attachment of the princes of India."

This act of injustice, against which we have fulminated the thunder of our resolutions as a heavy crime—as a crime that dishonoured the nation, and which measures ought to be taken to redress, this man has the insolence to bring before

your lordships as a set-off against the crimes we charge him with. This outrageous defiance of the House of Commons, this outrageous defiance of all the laws of his country, I hope your lordships will not countenance. You will not let it pass for nothing. On the contrary, you will consider it as aggravating, heavily, his crimes; and above all, you will not suffer him to set off this, which we have declared to be injurious to our national honour and credit, and which he himself does not deny to be a breach of the public faith—against other breaches of the public faith with which we charge him; —or to justify one class of public crimes, by proving that he has committed others.

Your lordships see that he justifies this crime upon the plea of its being profitable to the Company; but he shall not march off even on this ground with flying colours. My lords, pray observe in what manner he calculates these profits. Your lordships will find, that he makes up the account of them much in the same manner as he made up the account of Nobkissin's money. There is, indeed, no account which he has ever brought forth that does not carry upon it, not only ill faith and national dishonour, but direct proofs of corruption. When Mr. Hastings values himself upon this shocking and outrageous breach of faith, which required nothing but a base and illiberal mind, without either talents, courage, or skill, except that courage which defies all consequences; which defies shame, which defies the judgment and opinion of his country and of mankind; no other talents than may be displayed by the dash of a pen; you will at least expect to see a clear and distinct account of what was gained by it.

In the year 1775, at a period when Mr. Hastings was under an eclipse, when honour and virtue, in the character of General Clavering, Colonel Monson, and Mr. Francis, sat for a short period at the council board; during that time, Mr. Hastings's conduct upon this occasion was called into question. They called for an account of the revenues of the country; what was received, and what had been paid; and in the account returned, they found the amount of the tribute due to the Mogul, £250,000, entered as paid up to October, 1774. Thus far all appeared fair upon the face of it; they took it for granted, as your lordships would take it for

granted, at the first view, that the tribute in reality had been paid up to the time stated. The books were balanced; you find a debtor; you find a creditor; every item posted in as regular a manner as possible. Whilst they were examining this account, a Mr. Crofts, of whom your lordships have heard very often as accountant-general, comes forward and declares that there was a little error in the account. And what was the error? That he had entered the Mogul's tribute for one year more than it had actually been paid. Here we have the small error of a payment to the Mogul of £250,000. This appeared strange.—Why, says Mr. Crofts, I never discovered it; nor was it ever intimated to me that it had been stopped from October, 1773, till the other day, when I was informed that I ought not to have made an entry of the last payments. These were his expressions. You will find the whole relation in the Bengal Appendix, printed by the orders of the court of directors. When Mr. Croftes was asked a very natural question, Who first told you of your mistake?—who acquainted you with Mr. Hastings's orders, that the payment should be expunged from the account?—What is his answer? It is an answer worthy of Mr. Middleton, an answer worthy of Mr. Larkins, or of any of the other white banyans of Mr. Hastings: Oh! I have forgotten. Here you have an accountant-general kept in ignorance, or who pretends to be ignorant, of so large a payment as £250,000; who enters it falsely in his account; and when asked who apprized him of his mistake, says that he has really forgotten.

Oh, my lords, what resources there are in oblivion, what resources there are in bad memory! no genius ever has done so much for mankind as this mental defect has done for Mr. Hastings's accountants. It was said by one of the ancient philosophers, to a man who proposed to teach people memory —"I wish you could teach me oblivion; I wish you could teach me to forget." These people have certainly not been taught the art of memory, but they appear perfect masters of the art of forgetting. My lords, this is not all; and I must request your lordships' attention to the whole of the account, as it appears in the account of the arrears due to the king, annexed to your minutes. Here is a kind of labyrinth,

where fraud runs into fraud. On the credit side you find stated there eight lacks paid to the Vizier, and to be taken from the Mogul's tribute, for the support of an army, of which he himself had stipulated to bear the whole expenses. These eight lacks are thus fraudulently accounted for upon the face of the thing; and with respect to eighteen lacks, the remainder of the tribute, there is no account given of it at all. This sum Mr. Hastings must, therefore, have pocketed for his own use, or that of his gang of peculators; and whilst he was pretending to save you eight lacks by one fraud, he committed another fraud of eighteen lacks for himself; and this is the method by which one act of peculation begets another in the economy of fraud.

Thus much of these affairs I think myself bound to state to your lordships upon this occasion; for, although not one word has been produced by the counsel to support the allegations of the prisoner at your bar, yet, knowing that your lordships, high as you are, are still but men, knowing also that bold assertions and confident declarations are apt to make some impression upon all men's minds, we oppose his allegations. But how do we oppose them?—Not by things of the like nature. We oppose them, by showing you that the House of Commons, after diligent investigation, has condemned them, and by stating the grounds upon which the House founded its condemnation. We send you to the records of the Company, if you want to pursue this matter further, to enlighten your own minds upon the subject. Do not think, my lords, that we are not aware how ridiculous it is for either party, the accuser or the accused, to make here any assertions without producing vouchers for them: we know it; but we are prepared and ready to take upon us the proof: and we should be ashamed to assert anything that we are not able directly to substantiate, by an immediate reference to uncontradicted evidence.

With regard to the merits pleaded by the prisoner, we could efface that plea with a single stroke, by saying there is no evidence before your lordships of any such merits. But we have done more. We have shown you that the things which he has set up as merits are atrocious crimes, and that there is not one of them which does not, in the

very nature and circumstances of it, carry evidence of base corruption, as well as of flagrant injustice and notorious breach of public faith.

The next thing that he takes credit for is precisely an act of this description. The Mogul had, by solemn stipulation with the Company, a royal domain insured to him, consisting of two provinces, Corah and Allahabad. Of both these provinces Mr. Hastings deprived the Mogul upon weak pretences, if proved, in point of fact, but which were never proved, in any sense, against him. I allude particularly to his alleged alliance with the Mahrattas, a people, by the way, with whom we were not then at war, and with whom he had as good a right as Nudjeive Khân to enter into alliance at that time. He takes these domains, almost the last wrecks of empire left to the descendant of Tamerlane, from the man, I say, to whose voluntary grants we owe it that we have put a foot in Bengal. Surely we ought, at least, to have kept our faith in leaving this last retreat to that unfortunate prince. The House of Commons was of that opinion, and consequently they resolved, "that the transfer of Corah and Allahabad to the Vizier was contrary to policy and good faith." This is what the Commons think of this business, which Mr. Hastings pleads as merits.

But I have not yet done with it. These provinces are estimated as worth twenty-two lacks, or thereabouts, that is, about £220,000 a year. I believe they were improvable to a good deal more. But what does Mr. Hastings do? Instead of taking them into the Company's possession for the purpose of preserving them for the Mogul, upon the event of our being better satisfied with his conduct, or of appropriating them to the Company's advantage, he sells them to the Nabob of Oude, who he knew had the art, above all men, of destroying a country which he was to keep, or which he might fear he was not to keep, permanent possession of. And what do you think he sold them for? He sold them at a little more than two years' purchase. Will any man believe that Mr. Hastings, when he sold these provinces to the Vizier for two years' purchase (and when there was no man that would not have given ten years' purchase for them), did not put the difference between the real and pretended value into his own pocket and that of his associates?

We charge, therefore, first, that this act, for which he assumes merit, was in itself a breach of faith; next, that the sale of these provinces was scandalously conducted; and thirdly, that this sale, at one-fifth of the real value, was effected for corrupt purposes. Thus an act of threefold delinquency is one of the merits stated with great pomp by his counsel.

Another of his merits is the stoppage of the pension which the Company was under an obligation to pay to Nudjeive Khân;—a matter which, even if admitted to be a merit, is certainly not worth, as a set-off, much consideration.

But there is another set-off of merit upon which he plumes himself, and sets an exceedingly high value—the sale of the Rohilla nation to that worthless tyrant, the Vizier, their cruel and bitter enemy, the cruellest tyrant, perhaps, that ever existed, and their most implacable enemy, if we except Mr. Hastings, who appears to have had a concealed degree of animosity, public, private, or political, against them. To this man he sold this whole nation, whose country, cultivated like a garden, was soon reduced, as Mr. Hastings, from the character of the Vizier, knew would be the consequence, to a mere desert, for £400,000; he sent a brigade of our troops to assist the Vizier in extirpating these people, who were the bravest, the most honourable, and generous nation upon earth. Those who were not left slaughtered to rot upon the soil of their native country, were cruelly expelled from it, and sent to publish the merciless and scandalous behaviour of Great Britain from one end of India to the other. I believe there is not an honest, ingenuous, or feeling heart upon the face of the globe, I believe there is no man possessing the least degree of regard to honour and justice, humanity and good policy, that did not reprobate this act. The court of directors, when they heard of it, reprobated it in the strongest manner; the court of proprietors reprobated it in the strongest manner; by the House of Commons, after the most diligent investigation, it was, in a resolution moved by Mr. Dundas, reprobated in the strongest manner: and this is the act which Mr. Hastings brings forward before your lordships as a merit.

But, again, I can prove, that in this, perhaps, the most atrocious of all his demerits, there is a most horrid and ne-

farious secret corruption lurking. I can tell your lordships, that Sir Robert Barker was offered by this Vizier, for about one-half of this very country, namely, the country of the Rohillas, a sum of fifty lacks of rupees, that is, £500,000. Mr. Hastings was informed of this offer by Sir Robert Barker, in his letter of the 24th March, 1773. Still, in the face of this information, Mr. Hastings took for the Company only forty lacks of rupees. I leave your lordships to draw your own conclusion from these facts. You will judge what became of the difference between the price offered and the price accounted for, as taken; nothing on earth can hide from mankind why Mr. Hastings made this wicked, corrupt bargain for the extermination of a brave and generous people: why he took £400,000 for the whole of that, for half of which he was offered and knew he might have had £500,000.

Your lordships will observe, that for all these facts there is no evidence on the one side or on the other, directly before you. Their merits have been insisted upon in long and laborious details and discussions, both by Mr. Hastings himself and by his counsel. We have answered them for that reason; but we answer them with a direct reference to records and papers, from which your lordships may judge of them as set-offs and merits. I believe your lordships will now hardly receive them as merits to set off guilt, since in every one of them there is both guilt in the act, and strong ground for presuming that he had corruptly taken money for himself.

The last act of merit that has been insisted upon by his counsel is the Mahratta peace. They have stated to you the distresses of the Company, to justify the unhandsome and improper means that he took of making this peace. Mr. Hastings himself has laid hold of the same opportunity of magnifying the difficulties which, during his government, he had to contend with. Here he displays all his tactics. He spreads all his sails, and here catches every gale. He says, I found all India confederated against you. I found not the Mahrattas alone; I found war through a hundred hostile states fulminated against you; I found the Peshwa, the Nizam, Hyder Ally, the Rajah of Berar, all combined together for your destruction. I stemmed the torrent; fortitude is my character. I faced and overcame all these difficulties, till I landed your affairs safe on shore; till I stood the saviour of India.

My Lords, we of the House of Commons have before heard all this, but we cannot forget that we examined into every part of it, and that we did not find a single fact stated by him, that was not a ground of censure and reprobation. The House of Commons, in the resolutions to which I have alluded, have declared that Mr. Hastings, the first author of these proceedings, took advantage of an ambiguous letter of the court of directors, to break and violate the most solemn, the most advantageous, and useful treaty that the Company had ever made in India; and that this conduct of his produced the strange and unnatural junction which, he says, he found formed against the Company, and with which he had to combat. I should trouble your Lordships with but a brief statement of the facts, and if I do not enter more at large in observing upon them, it is because I cannot but feel shocked at the indecency and impropriety of your being obliged to hear of that as merit, which the House of Commons has condemned in every part. Your lordships received obliquely evidence from the prisoner at your bar upon this subject; yet when we came and desired your full inquiry into it, your lordships, for wise and just reasons, I have no doubt, refused our request. I must, however, again protest on the part of the Commons against your lordships receiving such evidence at all, as relevant to your judgment, unless the House of Commons is fully heard upon it.

But to proceed.—The government of Bombay had offended the Mahratta states, by a most violent and scandalous aggression. They afterwards made a treaty of peace with them, honourable and advantageous to the Company. This treaty was made by Colonel Upton, and is called The Treaty of Porunda. Mr. Hastings broke that treaty, upon his declared principle, that you are to look in war for the resources of your government. All India was at that time in peace. Hyder Ally did not dare to attack us; because he was afraid that his natural enemies, the Mahrattas, would fall upon him. The Nizam could not attack us, because he was also afraid of the Mahrattas. The Mahratta state itself was divided into such discordant branches, as to make it impossible for them to unite in any one object;—that commonwealth, which certainly at that time was the terror of India, was so broken, as to render it either totally ineffective or easy to be resisted;

there was not one government in India that did not look up to Great Britain as holding the balance of power, and in a position to control and do justice to every individual party in it. At that juncture Mr. Hastings deliberately broke the treaty of Porunda; and afterwards, by breaking faith with and attacking all the powers, one after another, he produced that very union which one would hardly have expected that the incapacity or ill faith of any governor could have effected. Your lordships shall hear the best and most incontrovertible evidence, both of his incapacity and ill faith, and of the consequences which they produced. It is the declaration of one of the latest of their allies, concerning all these proceedings. It is contained in a letter from the Rajah of Berar, directly and strongly inculpating Mr. Hastings, upon facts which he has never denied, and by arguments which he has never refuted, as being himself the cause of that very junction of all the powers of India against us.

Letter from Beneram Pundit.—"As the friendship of the English is, at all events, the first and most necessary consideration, I will therefore exert myself in establishing peace; for the power of making peace with all is the best object; to this all other measures are subservient, and will certainly be done by them, the English. You write, that after having laid the foundation of peace with the Pundit Purdhaun, it is requisite that some troops should be sent with General Goddard against Hyder Naig, and take possession of his country, when all those engagements and proposals may be assented to. My reason is confounded in discussing this suggestion at a time when Hyder Naig is in every respect in alliance with the Peishwa, and has assisted, with his soul and life, to repel the English. For us to unite our troops with those of the enemy, and extirpate him,—would not this fix the stamp of infamy upon us for ever? Would any prince, for generations to come, ever after assist us, or unite with the Peishwa? Be yourself the judge, and say whether such a conduct would become a prince or not.—Why then do you mention it?—why do you write it?

"The case is as follows.—At first there was the utmost enmity between Hyder Naig and the Pundit Purdhaun, and there was the fullest intention of sending troops into Hyder Naig's country; and after the conclusion of the war with

Bombay and the capture of Ragonaut Row, it was firmly resolved to send troops into that quarter; and a reliance was placed in the treaty which was entered into by the gentlemen of Bombay before the war; but when Ragonaut again went to them, and General Goddard was ready to commence hostilities—when no regard was paid to the friendly proposals made by us and the Pundit Peishwa—when they desisted from coming to Poonah, agreeable to their promise, and a categorical answer was given to the deputies from Poonah; the ministers of Poonah then consulted among themselves, and having advised with the Nabob Nizam ul Dowlah, they considered that as enemies were appearing on both sides, and it would be difficult to cope with both, what was to be done. Peace must be made with one of them, and war must be carried on with the other. They wished above all things, in their hearts, to make peace with the English gentlemen, and to unite with them to punish Hyder Naig; but these gentlemen had plainly refused to enter into any terms of reconciliation; it was therefore advisable to accommodate matters with Hyder Naig, although he had been long an enemy.—What else could be done? Having nothing left for it, they were compelled to enter into an union with Hyder."

My lords, this declaration, made to Mr. Hastings himself, was never answered by him; indeed, answered it could not be; because the thing was manifest, that all the desolation of the Carnatic by Hyder Ally, all these difficulties upon which he has insisted, the whole of that union by which he was pressed, and against which, as he says, he bore up with such fortitude, was his own work, the consequences of his bad faith and his not listening to any reasonable terms of peace.

But, my lords, see what sort of peace he afterwards made. I could prove, if I were called upon so to do, from this paper, that they have had the folly and madness to produce to you for other purposes, that he might at any time have made a better treaty, and have concluded a more secure and advantageous peace, than that which at last he acceded to: that the treaty he made was both disadvantageous and dishonourable; inasmuch, as we gave up every ally we had, and sacrificed them to the resentment of the enemy: that Mahadajee Scindia gained by it an empire of a magnitude dangerous to

our very existence in India; that this chief was permitted to exterminate all the many little gallant nations that stood between us and the Mahrattas, and whose policy led them to guard against the ambitious designs of that government. Almost all these lesser powers, from central India quite up to the mountains that divide India from Tartary, almost all these, I say, were exterminated by him, or were brought under a cruel subjection. The peace he made with Mr. Hastings was for the very purpose of doing all this; and Mr. Hastings enabled him, and gave him the means of effecting it. Advert next, my lords, to what he did with other allies. By the treaty of Porunda, made by Colonel Upton, and which he flagitiously broke, we had acquired what, God knows, we little merited from the Mahrattas, twelve lacks (£112,000) for the expenses of the war, and a country of three lacks of annual revenue, the province of Burratch and the Isle of Salset, and other small islands convenient for us upon that coast. This was a great, useful, and momentous accession of territory and of revenue, and we got it with honour; for not one of our allies was sacrificed by this treaty. We had even obtained from the Mahrattas for Ragonaut Row, our support of whom against that government was a principal cause of the war, an establishment of a thousand horse, to be maintained at their expense, and a jaghire for his other expenses of three lacks of rupees per annum, payable monthly, with leave to reside within their territories, with no other condition than that he should not remove from the place fixed for his residence, for the purpose of exciting disturbances against their government. They also stipulated for the pardon of all his adherents, except four; and the only condition they required from us was, that we should not assist him in case of any future disturbance. But Mr. Hastings, by his treaty, surrendered that country of three lacks of revenue; he made no stipulation for the expenses of the war, nor indemnity for any of the persons whom he had seduced into the rebellion, in favour of Ragonaut Row. He gave them all up to the vengeance of their governments, without a stroke of a pen in their favour, to be banished, confiscated, and undone. And as to Ragonaut Row, instead of getting him this honourable and secure retreat, as he was bound to do, this unfortunate man was ordered to retire to

his enemy's (Mahadajee Scindia's) country; or otherwise he was not to receive a shilling for his maintenance. I will now ask your lordships whether any man but Mr. Hastings would claim a merit with his own country for having broken the treaty of Porunda? Your lordships know the opinion of the House of Commons respecting it; his colleagues in council had remonstrated with him upon it, and had stated the mischiefs that would result from it; and Sir Eyre Coote, the commander of the Company's forces, writing at the same time from Madras, states, that he thought it would infallibly bring down upon them Hyder Ally, who, they had reason to think, was bent upon the utter destruction of the power of this country in India, and was only waiting for some crisis in our affairs favourable to his designs. This, my lords, is to be one of the set-offs against all the crimes, against the multiplied frauds, cruelties, and oppressions, all the corrupt practices, prevarications, and swindlings, that we have alleged against him.

My lords, it would be an endless undertaking, and such as at this hour of the day we, as well as your lordships, are little fitted to engage in, if I were to attempt to search into and unveil all the secret motives, or to expose, as it deserves, the shameless audacity, of this man's conduct. None of your lordships can have observed, without astonishment, the selection of his merits, as he audaciously calls them, which has been brought before you. The last of this selection, in particular, looks as if he meant to revile and spit upon the legislature of his country; because we and you thought it fit, and were resolved to publish to all India, that we will not countenance offensive wars; and that you felt this so strongly, as to pass the first act of a kind that was ever made; namely, an act to limit the discretionary power of government in making war solely; and because you have done this solely, and upon no other account, and for no other reason under heaven, than the abuse which that man at your bar has made of it, and for which abuse he now presumes to take merit to himself. I will read this part of the act to your lordships.

[Mr. Burke here read 24 Geo. III. cap. 24, sect. 34.]

"And whereas to ursue schemes of conquest and exten-

sion of dominion in India are measures repugnant to the wish, the honour, and policy of this nation; Be it therefore futher enacted by the authority aforesaid, That it shall not be lawful for the Governor-General and council of Fort William aforesaid, without the express command and authority of the said court of directors, or of the secret committee of the said court of directors, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities against the British nation in India, or against some of the princes or states dependent thereon, or whose territories the said united Company shall be at such time engaged by any subsisting treaty to defend or guarantee), either to declare war or commence hostilities, or enter into any treaty for making war, against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states; and that in such case it shall not be lawful for the said Governor-General and council to declare war, or commence hostilities, or enter into treaty for making war, against other prince or state than such as shall be actually committing hostilities or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced or preparations made as aforesaid; and in all cases where such hostilities shall be commenced or treaty made, the said Governor-General and council shall, by the most expeditious means they can devise, communicate the same unto the said court of directors, together with a full state of the information and intelligence upon which they shall have commenced such hostilities or made such treaties, and their motives and reasons for the same at large."

It is the first act of the kind that ever was made in this kingdom, the first statute, I believe, that ever was made by the legislature of any nation upon the subject, and it was made solely upon the resolutions to which we had come against the violent, intemperate, unjust, and perfidious acts of this man at your lordships' bar, and which acts are now produced before your lordships as merits.

To show further to your lordships how necessary this act was, here is a part of his own correspondence, the last

thing I shall beg to read to your lordships, and upon which I shall make no other comment, than that you will learn from it how well British faith was kept by this man; and that it was the violation of British faith which prevented our having the most advantageous peace, and brought on all the calamities of war.

It is part of a letter from the minister of the Rajah of Berar, a man called Beneram Pundit, with whom Mr. Hastings was at the time treating for a peace; and he tells him why he might have had peace at that time, and why he had it not; and that the cause of it was his own ridiculous and even buffoonish perfidiousness, which exposed him to the ridicule of all the princes of India, and with him the whole British nation.

"But afterwards reflecting that it was not advisable for me to be in such haste, before I had understood all the contents of the papers; I opened them in the presence of the Maha Rajah, when all the Kharetas letter, copies, and treaties, were perused with the greatest attention and care. First, they convinced us of your great truth and sincerity, and that you never, from the beginning to this time, were inclined to the present disputes and hostilities; and next, that you have not included in the articles of the treaty any of your wishes or inclinations, and, in short, the garden of the treaty appeared to us in all its parts green and flourishing. But though the fruits of it were excellent, yet they appear different from those of Colonel Upton's treaty (the particulars of which I have frequently written to you), and, upon tasting them, prove to be bitter and very different, when compared to the former articles. How can any of the old and established obligations be omitted, and new matters agreed to, which it is plain that they will produce and damage? Some points which you have mentioned, under the plea of the faith and observance of treaties, are of such a nature that the Poonah ministers can never assent to them; in all engagements and important transactions, in which the words *but*, and *although*, and *besides*, and *whereas*, and *why*, and other such words of doubt are introduced, it gives an opening to disputes and misunderstandings. A treaty is meant for the entire removal of all differences, not for the increase of them. My depart-

ure for Poonah has therefore been delayed." My lords, consider to what ironies and insults this nation was exposed, and how necessary it was for us to originate that bill, which your lordships passed into an act of parliament, with his Majesty's assent; the words *but*, *although*, *besides*, *whereas*, and *why*, and such like, are introduced to give an opening, and so on. Then he desires him to send another treaty, fit for him to sign.

"I have therefore kept the treaty with the greatest care and caution in my possession, and have taken a copy of it; I have added to each article another, which appeared to me proper and advisable; and without any loss or disadvantage to the English, or anything more in favour of the Pundit Purdhaun than was contained in the former treaties. This I have sent to you, and hope that you will prepare and send a treaty conformable to that, without any *besides*, or *if*, or *why*, or *but*, and *whereas*, that as soon as it arrives I may depart for Poonah, and having united with me Row Mahadajee Scindia, and having brought over the Nabob, Nizam ul Dowlah, to this business, I may settle and adjust all matters which are in this bad situation. As soon as I have received my dismission from thence, I would set off for Calcutta, and represent to you everything, which for a long while I have had in my mind, and by this transaction erect to the view of all the world the standard of the greatness and goodness of the English, and of my masters, and extinguish the flames of war with the waters of friendship. The compassing all those advantages and happy prospects depends entirely upon your will and consent; and the power of bringing them to an issue is in your hands alone."

My lords, you may here see the necessity there was for passing the act of parliament which I have just read to you, in order to prevent in future the recurrence of that want of faith of which Mr. Hastings had been so notoriously guilty, and by which he had not only united all India against us, and had hindered us from making, for a long time, any peace at all, but had exposed the British character to the irony, scorn, derision, and insult of the whole people of that vast continent.

My lords, in the progress of this impeachment, you have heard our charges; you have heard the prisoner's plea of merits; you have heard our observations on them. In the progress of this impeachment, you have seen the condition in which Mr. Hastings received Benares; you have seen the condition in which Mr. Hastings received the country of the Rohillas; you have seen the condition in which he received the country of Oude; you have seen the condition in which he received the provinces of Bengal; you have seen the condition of the country when the native government was succeeded by that of Mr. Hastings; you have seen the happiness and prosperity of all its inhabitants, from those of the highest to those of the lowest rank. My lords, you have seen the very reverse of all this under the government of Mr. Hastings; the country itself, all its beauty and glory ending in a jungle for wild beasts. You have seen flourishing families reduced to implore that pity which the poorest man and the meanest situation might very well call for. You have seen whole nations in the mass reduced to a condition of the same distress. These things in his government at home: abroad, scorn, contempt, and derision cast upon and covering the British name; war stirred up, and dishonourable treaties of peace made, by the total prostitution of British faith. Now take, my lords, together all the multiplied delinquencies which we have proved, from the highest degree of tyranny to the lowest degree of sharping and cheating, and then judge, my lords, whether the House of Commons could rest for one moment, without bringing these matters, which have baffled all legislation at various times, before you, to try at last what judgment will do. Judgment is what gives force, effect, and vigour to laws; laws without judgment are contemptible and ridiculous; we had better have no laws, than laws not enforced by judgments and suitable penalties upon delinquents. Revert, my lords, to all the sentences which have heretofore been passed by this high court. Look at the sentence passed upon Lord Bacon; look at the sentence passed upon Lord Macclesfield; and then compare the sentences which your ancestors have given with the delinquencies which were then before them, and you have the measure to be taken in your sentence upon the delinquent now before you. Your sentence, I say, will be measured

according to that rule which ought to direct the judgment of all courts in like cases, lessening it for a lesser offence, and aggravating it for a greater, until the measure of justice is completely full.

My lords, I have done; the part of the Commons is concluded. With a trembling solicitude we consign this product of our long, long labours to your charge. Take it!—take it! It is a sacred trust. Never before was a cause of such magnitude submitted to any human tribunal.

My lords, at this awful close, in the name of the Commons, and surrounded by them, I attest the retiring, I attest the advancing generations, between which, as a link in the great chain of eternal order, we stand.—We call this nation, we call the world to witness, that the Commons have shrunk from no labour; that we have been guilty of no prevarication; that we have made no compromise with crime; that we have not feared any odium whatsoever, in the long warfare which we have carried on with the crimes—with the vices—with the exorbitant wealth—with the enormous and overpowering influence of Eastern corruption. This war, my lords, we have waged for twenty-two years, and the conflict has been fought at your lordships' bar for the last seven years. My lords, twenty-two years is a great space in the scale of the life of man; it is no inconsiderable space in the history of a great nation. A business which has so long occupied the councils and the tribunals of Great Britain, cannot possibly be huddled over in the course of vulgar, trite, and transitory events. Nothing but some of those great revolutions that break the traditionary chain of human memory, and alter the very face of nature itself, can possibly obscure it. My lords, we are all elevated to a degree of importance by it; the meanest of us will, by means of it, more or less become the concern of posterity, if we are yet to hope for such a thing in the present state of the world as a recording, retrospective, civilized posterity; but this is in the hands of the great Disposer of events; it is not ours to settle how it shall be. My lords, your House yet stands; it stands as a great edifice; but let me say, that it stands in the midst of ruins; in the midst of the ruins that have been made by the greatest moral earthquake that ever convulsed and shattered this globe of ours. My lords, it has pleased Providence

to place us in such a state, that we appear every moment to be upon the verge of some great mutations. There is one thing, and one thing only, which defies all mutation; that which existed before the world, and will survive the fabric of the world itself; I mean justice; that justice, which, emanating from the Divinity, has a place in the breast of every one of us, given us for our guide with regard to ourselves and with regard to others, and which will stand after this globe is burned to ashes, our advocate or our accuser before the great Judge, when He comes to call upon us for the tenor of a well-spent life.

My lords, the Commons will share in every fate with your lordships; there is nothing sinister which can happen to you, in which we shall not be involved; and if it should so happen that we shall be subjected to some of those frightful changes which we have seen—if it should happen that your lordships, stripped of all the decorous distinctions of human society, should, by hands at once base and cruel, be led to those scaffolds and machines of murder, upon which great kings and glorious queens have shed their blood, amidst the prelates, amidst the nobles, amidst the magistrates who supported their thrones, may you in those moments feel that consolation which I am persuaded they felt in the critical moments of their dreadful agony!

My lords, there is a consolation, and a great consolation it is, which often happens to oppressed virtue and fallen dignity; it often happens that the very oppressors and persecutors themselves are forced to bear testimony in its favour. I do not like to go for instances a great way back into antiquity. I know very well that length of time operates so as to give an air of the fabulous to remote events, which lessens the interest and weakens the application of examples. I wish to come nearer to the present time. Your lordships know and have heard, for which of us has not known and heard, of the parliament of Paris? The parliament of Paris had an origin very, very similar to that of the great court before which I stand; the parliament of Paris continued to have a great resemblance to it in its constitution, even to its fall; the parliament of Paris, my lords, WAS; it is gone! It has passed away; it has vanished like a dream! It fell, pierced by the sword of the Compte de Mirabeau. And yet I will say, that

that man, at the time of his inflicting the death wound of that parliament, produced at once the shortest and the grandest funeral oration that ever was or could be made upon the departure of a great court of magistracy. Though he had himself smarted under its lash, as every one knows who knows his history (and he was elevated to dreadful notoriety in history), yet when he pronounced the death sentence upon that parliament, and inflicted the mortal wound, he declared that his motives for doing it were merely political, and that their hands were as pure as those of justice itself, which they administered—a great and glorious exit, my lords, of a great and glorious body! And never was a eulogy pronounced upon a body more deserved. They were persons in nobility of rank, in amplitude of fortune, in weight of authority, in depth of learning, inferior to few of those that hear me. My lords, it was but the other day that they submitted their necks to the axe; but their honour was unwounded. Their enemies, the persons who sentenced them to death, were lawyers, full of subtlety; they were enemies, full of malice; yet lawyers full of subtlety, and enemies full of malice, as they were, they did not dare to reproach them with having supported the wealthy, the great, and powerful, and of having oppressed the weak and feeble, in any of their judgments, or of having perverted justice in any one instance whatever, through favour, through interest, or cabal.

My lords, if you must fall, may you so fall! But if you stand, and stand I trust you will, together with the fortune of this ancient monarchy—together with the ancient laws and liberties of this great and illustrious kingdom, may you stand as unimpeached in honour as in power; may you stand not as a substitute for virtue, but as an ornament of virtue, as a security for virtue; may you stand long, and long stand the terror of tyrants; may you stand the refuge of afflicted nations; may you stand a sacred temple, for the perpetual residence of an inviolable justice.

LETTERS.

TO THE RIGHT HON. WILLIAM GERARD HAMILTON.

DEAR SIR, March, 1763.

I am now on the point of acquiring, through your friendship, an establishment,[1] which I am sensible is as much above my merits as, in any other channel, it may be above my reasonable expectations. I should think myself inexcusable in receiving this pension, and loading your interest with so heavy a charge, without apprizing you of those conditions on which, alone, I am able to take it; because, when I have taken it, I ought no longer to consider myself as possessed of my former freedom and independence.

I have often wished to explain myself fully to you on this point. It is against my general notions to trust to writing, where it is in one's power to confer otherwise. But neither do you hear, nor do I speak, on this subject, with the same ease with which we converse on others. This is but natural; and I have therefore chosen this method, as less liable to misunderstanding and dispute; and hope you will be so indulgent, as to hear me with coolness and attention.

You may recollect, when you did me the honour to take me as a companion in your studies, you found me with the little work we spoke of last Tuesday, as a sort of rent-charge on my thoughts. I informed you of this, and you acquiesced in it. You are now so generous, (and it is but strict justice to allow that upon all occasions you have been so,) to offer to free me from this burthen. But, in fact, though I am

[1] Alluding to a pension of £300 per annum, granted this year by Lord Halifax, then lord-lieutenant of Ireland, upon the application of his Excellency's secretary "*single speech*" Hamilton. See an account of this affair in Prior's Life of Burke, p. 74, &c.

extremely desirous of deferring the accomplishment, I have no notion of entirely suppressing that work; and this upon two principles, not solely confined to that work, but which extend much further, and indeed to the plan of my whole life.

Whatever advantages I have acquired, and even that advantage which I must reckon as the greatest and most pleasing of them, have been owing to some small degree of literary reputation. It will be hard to persuade me that any further services which your kindness may propose for me, or any in which my friends may wish to coöperate with you, will not be greatly facilitated by doing something to cultivate and keep alive the same reputation. I am fully sensible, that this reputation may be at least as much hazarded, as forwarded, by new publications. But because a certain oblivion is the consequence, to writers of my inferior class, of an entire neglect of publication, I consider it such a risk as sometimes must be run. For this purpose, some short time, at convenient intervals, and especially at the dead time of the year, will be requisite to study and consult proper books. These times, as you very well know, cannot be easily defined; nor indeed is it necessary they should. The matter may be very easily settled by a good understanding between ourselves; and by a discreet liberty, which I think you would not wish to restrain, nor I to abuse. I am not so unreasonable, nor absurd enough, to think I have any title to so considerable a share in your interest as I have had, and hope still to have, without any or but an insignificant return on my side; especially as I am conscious that my best and most continued endeavours are of no very great value. I know that your business ought, on all occasions, to have the preference; to be the first and the last, and, indeed, in all respects, the main concern. All I contend for is, that I may not be considered as absolutely excluded from all other thoughts, in their proper time and due subordination; the fixing the times for them, to be left entirely to yourself.

I do not remember that, hitherto, any pursuit has been stopped, or any plan left defective, through my inattention, or through my attention to other matters; and I protest to God, I have applied to whatever you have thought proper to set me, with a vigour and alacrity, and even an eagerness, that

I never felt in any affair of my own whatsoever. If you have not observed this, you have not, I think, observed with your usual sagacity. But if you have observed it, and attributed it to an interested design, which will cease when its end is in any degree answered, my mind bears me witness that you do not do me justice. I act almost always from my present impulse, and with little scheme or design; and perhaps, generally, with too little. If you think what I have proposed unreasonable, my request is that you will, which you may very easily do, get my Lord Halifax to postpone the pension, and afterwards to drop it. We shall go on as before, until some other more satisfactory matter occurs. For I should ill brook an accusation, either direct or implied, that I had through your friendship acquired a considerable establishment, and afterwards neglected to make any fair return in my power. The thought of this has given me great pain; and I would not be easy without coming to some explanation upon it. In the light I consider things, it can create no great difficulty; but it may possibly, to you, appear otherwise. Let this be how it will, I can never forget the obligations—the very many and great obligations—which I have already had to you; and which, in any situation, will always give you a right to call on me for anything within my compass. If I do not often acknowledge my sense of them, it is because I know you are not very fond of professions, nor am I very clever at making them. You will take in good part this liberty; which, sincerely, is not made for the purpose of exercising my pen impertinently. Two words from you would settle the point, one way or another.

I am, with the utmost truth, ever yours,

EDM. BURKE.

TO THE RIGHT HON. WILLIAM GERARD HAMILTON.

DEAR SIR,

Your letter, which I received about four o'clock yesterday, seemed not to have been written with an intention of being answered. However, on considering the matter this morning, I thought it respectful to you, and, in a manner, necessary to myself, to say something to those heavy charges which you have made against me in our last con-

versations; and which, with a polite acrimony in the expression, you have thought proper to repeat in your letter.

I should, indeed, be extremely unhappy, if I felt any consciousness at all of that unkindness, of which you have so lively a sense. In the six years during which I have had the honour of being connected with you, I do not know that I have given you one just occasion of complaint; and if all things have not succeeded every way to your wishes, I may appeal to your own equity and candour, whether the failure was owing to anything wrong in my advice, or inattention in my conduct; I can honestly affirm, and your heart will not contradict me, that in all cases I preferred your interest to my own. I made you, and not myself, the first object in every deliberation. I studied your advancement, your fortune, and your reputation in everything, with zeal and earnestness; and sometimes with an anxiety, which has made many of my hours miserable. Nobody could be more ready than I was to acknowledge the obligations I had to you; and if I thought, as in some instances I did, and do still think, I had cause of dissatisfaction, I never expressed it to others, or made yourself uneasy about them. I acted, in every respect, with a fidelity which, I trust, cannot be impeached. If there be any part of my conduct in life, upon which I can look with entire satisfaction, it is my behaviour with regard to you.

So far as to the past: with regard to the present, what is that unkindness and misbehaviour of which you complain? My heart is full of friendship to you; and is there a single point which the best and most intelligent men have fixed, as a proof of friendship and gratitude, in which I have been deficient, or in which I threaten a failure? What you blame is only this, that I will not consent to bind myself to you, for no less a term than my whole life, in a sort of domestic situation, for a consideration to be taken out of your private fortune; that is, to circumscribe my hopes, to give up even the possibility of liberty, and absolutely to annihilate myself for ever. I beseech you, is the demand, or the refusal, the act of unkindness? If ever such a test of friendship was proposed, in any instance, to any man living, I admit that my conduct has been unkind; and, if you please, ungrateful.

If I had accepted your kind offers, and afterwards refused to abide by the condition you annex to them, you then would have had a good right to tax me with unkindness. But what have I done, at the end of a very long, however I confess unprofitable, service, but to prefer my own liberty to the offers of advantage you are pleased to make me; and, at the same time, to tender you the continuance of those services (upon which partiality alone induces you to set any value) in the most disinterested manner, as far as I can do it, consistent with that freedom to which, for a long time, I have determined to sacrifice every consideration, and which I never gave you the slightest assurance that I had any intention to surrender; whatever my private resolves may have been in case an event had happened, which (so far as concerns myself) I rejoice never to have taken place? You are kind enough to say, that you looked upon my friendship as valuable; but hint that it has not been lasting. I really do not know when, and by what act, I broke it off. I should be wicked and mad to do it; unless you call that a lasting friendship, which all mankind would call a settled servitude, and which no ingenuity can distinguish from it. Once more, put yourself in my situation, and judge for me. If I have spoken too strongly, you will be so good to pardon a man on his defence, in one of the nicest questions to a mind that has any feeling. I meant to speak fully, not to offend. I am not used to defend my conduct; nor do I intend, for the future, to fall into so bad a habit. I have been warmed to it by the imputation you threw on me; as if I deserted you on account solely of your want of success. On this, however, I shall say nothing, because perhaps I should grow still warmer; and I would not drop one loose word which might mark the least disrespect, and hurt a friendship which has been, and I flatter myself will be, a satisfaction and an honour to me. I beseech you that you will judge of me with a little impartiality and temper. I hope I have said nothing in our last interview which could urge you to the passion you speak of. If anything fell which was strong in the expression, I believe it was from you, and not from me, and it is right that I should bear more than I then heard. I said nothing, but what I took the liberty of mentioning to you a year ago, in Dublin: I gave you no reason to think I had

made any change in my resolution. We, notwithstanding, have ever since, until within these few days, proceeded as usual. Permit me to do so again. No man living can have a higher veneration than I have for your abilities, or can set a higher value on your friendship, as a great private satisfaction, and a very honourable distinction. I am much obliged to you for the favour you intend me, in sending to me in three or four days (if you do not send sooner), when you have had time to consider this matter coolly. I will again call at your door, and hope to be admitted; I beg it, and entreat it. At the same time do justice to the single motive which I have for desiring this favour, and desiring it in this manner. I have not wrote all this tiresome matter in hopes of bringing on an altercation in writing, which you are so good to me as to decline personally; and which, in either way, I am most solicitous to shun. What I say is, on reviewing it, little more than I have laid before you in another manner. It certainly requires no answer. I ask pardon for my prolixity, which my anxiety to stand well in your opinion has caused.

I am, with great truth,
Your most affectionate and most obliged
humble Servant,

EDM. BURKE.

TO THE MARQUIS OF ROCKINGHAM.

MY DEAR LORD, Gregories, September (12th), 1769.

Our meeting was held yesterday; the ostensible particulars of which Lord Temple took care to transmit immediately to the newspaper. I shall not, therefore, trouble your lordship with them here. Very little pains were taken to form a striking appearance on the day; however, it proved beyond expectation. Aubrey[1] was the only person who seemed to have acted rightly; he came into the town on horseback at the head of sixty-five freeholders. However, when we got into the town-hall, it was quite full; there were not fewer, I imagine, than four hundred, many of them substantial people, who came forward to the work with a good countenance,

[1] Subsequently Sir John Aubrey, M. P.

and an alacrity equal to that of the third regiment of guards.[1] Everything had been done to traverse us; the terrors of the House of Commons were held over many, and the word was, "The king will despise your petitions, and then what will you do? Will you go into rebellion?" &c. &c. The Tories in general stayed away. O'Brien, in his speech, let fly at the Earl of Bute, and was rather for giving a more Whiggish complexion to the meeting, than would be quite prudent in a county where the others were so strong, and in which some of them voted with us, though they did not choose to appear on this occasion. But on the whole he did very well. No Grenville, except George's eldest son,[2] a very sensible boy, and as well disposed to a little faction as any of his family. We were told we should have had Harry Grenville, but Lord Temple found out that he was no freeholder in the county. His lordship, after dinner, made an apology for George's absence, declaring, that he highly approved the principles of the meeting, but thought he should be able to defend it with the greater weight if he were not present at it. This was awkward, and awkwardly delivered. At the dinner it was thought necessary that the gentlemen should not dine all together; accordingly, Lord Temple stayed at one house, and Lord Verney and some more of us went to the other. In order to preserve a harmony in our toasts, they sent them to us from the house we had left, where they had been devised. An attempt was made to insinuate a great deal of Grenvilleism into the meeting. However, something was done a little to balance it; and a toast that had been sent down in an improper mode, about Yorkshire, was dressed by Aubrey and O'Brien in somewhat a better manner. What think you of the three united brothers?[3] The freeholders dined, as we did all, at a market-ordinary, for which we paid our shillings. Afterwards, wine was given at the expense of Lord V. and Lord T——. The first part was necessary, because the freeholders had been informed that there was to be no treating; and they were to be induced to come by the

[1] Alluding to the employment of the military in St. George's Fields, in the preceding year.

[2] George, afterwards third Earl Temple.

[3] Lord Chatham, and his brothers by marriage, Lord Temple and Mr. George Grenville.

moderation of the expense. The other was proper to conclude the day cheerfully, and it had a very good effect. I take it the signature will be general. Above three hundred signed upon the spot. We have not, I believe, two thousand in the county. * * * * * * * * * * *.

Believe me, with the sincerest and most cordial attachment, my dear lord,

Your ever obedient and obliged
humble Servant,
EDM. BURKE.

TO ARTHUR YOUNG, ESQ.[1]

DEAR SIR, October, 1771.

I should certainly, before this, have done myself the honour of visiting your farm, and have endeavoured to profit by what I should see, and much more by what I should hear at it, but that the hourly, and hitherto constantly disappointed, expectation of my brother's arrival from the West Indies has detained and still detains me at home. I do n't, however, altogether despair of the pleasure of paying you my respects before the winter sets in. I have now gone minutely through your last tour, and the synopsis, with which you have so properly and judiciously closed it. Some things of moment are, I think, clearly and decisively ascertained; but still a cloud remains over some of the most important and interesting questions in husbandry; and you are too far removed from the unfairness of system-makers, to turn our eyes away from that cloud when you are unable to dispel it. It appears such as it is; and you have not called in the aid of fancy and opinion to supply the want of real knowledge. One of the grand points in controversy (a controversy, indeed, chiefly carried on between practice and speculation) is that of *deep-ploughing*. In your last volume you seem, on the whole, rather against that practice, and have given several reasons for your judgment, which deserve to be very well considered. In order to know how we ought to plough, we

[1] The distinguished writer on agriculture, and promoter of rural economy; appointed secretary to the Board of Agriculture, on its establishment in 1793.

ought to know what end it is we propose to ourselves in that operation. The first and instrumental end is to divide the soil; the last and ultimate end, so far as regards the plants, is to facilitate the pushing of the blade upwards, and the shooting of the roots in all the inferior directions. There is further proposed a more ready admission of external influences, the rain, the sun, and the air, charged with all those heterogeneous contents which are suspended in that great universal menstruum, some, possibly all, of which, are necessary for the nourishment of the plants. By ploughing deep you answer these ends in a greater mass of the soil. This would seem in favour of deep-ploughing, as nothing else than accomplishing, in a more perfect manner, those very ends for which you are induced to plough at all. But, doubts here arise, only to be solved by experiment. First, is it quite certain that it is good for the ear and grain of farinaceous plants, that their roots should spread and descend into the ground to the greatest possible distances and depths? Is there not some limit in this? We know that, in timber, what makes one part flourish, does not equally conduce to the benefit of all; and that which may be beneficial to the wood, does not equally contribute to the quantity and goodness of the fruit, and *vice versâ*, that what increases the fruit largely is often far from serviceable to the tree. Secondly, is that looseness to great depths, supposing it useful to one of the species of plants, equally useful to all? Thirdly, though the external influences, the rain, the sun, the air, act undoubtedly a part, and a large part, in vegetation, does it follow that they are equally salutary in any quantities, at any depths; or that though it may be useful to diffuse one of these agents as extensively as may be in the earth, that therefore it will be equally useful to render the earth in the same degree pervious to all? It is a dangerous way of reasoning in physics, as well as morals, to conclude, because a given proportion of anything is advantageous, that the double will be twice as good, or that it will be good at all. Neither in the one nor the other is it always true that two and two make four. Fourthly, there are other properties in soil, besides its looseness or tenacity, which may make it dangerous to apply earth of certain properties to the plants, by deep ploughing. The minerals, in general, seem unpro-

pitious to vegetation; some clays seem to be of the same noxious quality, and this, if true, makes an exception to deep-ploughing upon bottoms mixed with such substances, supposing the principle of deep-ploughing to be otherwise generally sound. Under this head comes the general objection of farmers against ploughing up the dead earth, or going beyond what is called the staple; that is, that body of dark-coloured mould, which seems to be in part formed of rotten vegetables and animal substances. All these are doubts and questions not to be passed over lightly; especially the last, because it comes from men of much experience, and is not a local objection, from the particular nature of a certain substratum, but supposes an universal inaptitude in all soils, beyond a certain depth, for the purposes of vegetation.

TO CHARLES TOWNSHEND, ESQ.

DEAR SIR, October 17th, 1771.

I am much obliged to you for the kind part you have taken, on the report of our friend Fitzherbert's conversation about the author of Junius. You have done it in a manner that is just to me, and delicate to both of us. I am indeed extremely ready to believe, that he has had no share in circulating an opinion so very injurious to me, as that I am capable of treating the character of my friends, and even my own character, with levity, in order to be able to attack that of others with the less suspicion. When I have anything to object to persons in power, they know very well that I use no sort of managements towards them, except those which every honest man owes to his own dignity. If I thought it necessary to bring the same charges against them into a more public discussion than that of the House of Commons, I should use exactly the same freedom, making myself, in the same manner, liable to all the consequences. You observe very rightly, that no fair man can believe me to be the author of Junius. Such a supposition might tend, indeed, to raise the estimation of my powers of writing above their just value. Not one of my friends does, upon that flattering principle, give me for the writer; and when my enemies endeavour to fix Junius upon me, it is not for the sake of

giving me credit of an able performance. My friends I have satisfied;—my enemies shall never have any direct satisfaction from me. The ministry, I am told, are convinced of my having written Junius, on the authority of a miserable bookseller's preface, which I have read since I saw you, in which there are not three lines of common truth or sense, and which defames me, if possible, with more falsehood and malignity, than the libellers whom they pay for that worthy purpose. This argument of theirs only serves to show how much their malice is superior to their discernment. For some years, and almost daily, they have been abusing me in the public papers; and (among other pretences for their scurrility) as being the author of the letters in question. I have never once condescended to take the least notice of their invectives, or publicly to deny the fact upon which some of them were grounded. At the same time, to you, or to any of my friends, I have been as ready as I ought to be, in disclaiming in the most precise terms, writings, that are as superior perhaps to my talents, as they are most certainly different in many essential points from my regards and my principles. I am, with the greatest truth and affection,

My dear Sir,

Your most obedient and humble servant,

EDM. BURKE.

I only wait my brother's arrival to pay my visit to Frognall.

TO A PRUSSIAN GENTLEMAN.

SIR, 1772.

Permit me to return you my most sincere thanks for the honour of your very obliging letter. Nothing can be more polite than the offer of your correspondence, and nothing more acceptable than your specimen of it.

I hope you will not look on the long delay of my acknowledgments, as a proof that I want the fullest sense of the great favour I have received. I owed you the best considered and the best informed judgment I could make, on the question which you proposed. The answer might affect your property, which you will give me leave to regard as a matter far from indifferent to me. After all, I am obliged

to own to you that the more I have inquired, and the more I have reflected, the less capable I find myself of giving you any advice on which I can venture to confide. I have never had any concern in the funds of the East India Company, nor have taken any part whatsoever in its affairs, except when they came before me in the course of parliamentary proceedings. Of late years the intervention of the claims and powers of government, the magnitude of the possessions in the East, which have involved the concerns of the Company with the contentions of parties at home, and with the mass of the politics of Asia and Europe, together with many other particulars, have rendered all reasonings upon that stock a matter of more intricacy and delicacy than whilst the Company was restrained within the limits of a moderate commerce. However, one advantage has arisen from the magnitude of this object, and the discussions which have grown from its importance, that almost everything relative to it is become very public. The proceedings in parliament and in the India House have given as many lights to the foreign stockholders as to the inhabitants of this kingdom. Many persons on the continent, as well as here, are more capable of giving you good information than I am; I dare not risk an opinion. I am persuaded you will have the goodness to excuse a caution, which has its rise from my extreme tenderness towards your interest.

With regard to general politics, you judge very properly that we are more removed from them than you are, who live in the centre of the political circle. However, though situated in the circumference, we have our share of concern and curiosity. I am happy to receive that information which I have no right to expect, and no ability to requite. My situation is very obscure and private, and I have scarce anything to do, but with the minute detail of our own internal economy. To this I confine myself entirely. As to the grand machine, I admire its effects, without being often able to comprehend its operations, or to discover its springs. I look on these events as historical. The distance of place, and absence from management, operate as remoteness of time. I am obliged to you for your account of his Prussian Majesty's military arrangements. I make no doubt that a prince so

wise and politic will improve his new acquisitions (for I am not to call them conquests) to the best advantage for his power and greatness. I agree no less with your observation, that it was extremely fortunate the three great allied powers were able to find a fourth which was utterly unable to resist any one of them, and much less all united. If this circumstance had not concurred with their earnest inclinations to preserve the public tranquillity, they might have been obliged to find a discharge for the superfluous strength of their plethoric habits in the destruction of the finest countries in Europe.

One great branch of the alliance has not been quite so fortunate. Russia seems to me still to retain, though under European forms and names, too much of the Asiatic spirit in its government and manners to be long well poised and secure within itself; and without that advantage, nothing I apprehend can be done in a long struggle. Turkey is not prey, at least, for those whose motions are sometimes indeed precipitate, but seldom alert. The nature of the Turkish frontier provinces, an immense foss-ditch (if I may so call it) of desert, is a defence made indeed, in a great measure, at the expense of mankind, but still it is a great defence; and the applicability, if not the extent, of the Turkish resources are much greater than those of their northern enemy. It is not now likely that my paradoxical wish should be answered, or that I should live to see the Turkish barbarism civilized by the Russian. I don't wish well to the former power. Any people but the Turks, so seated as they are, would have been cultivated in three hundred years; but they grow more gross in the very native soil of civility and refinement. I was sorry for the late misfortunes of the Russians; but I did not so well know how much of it they owed to their own obstinacy. Misfortunes are natural and inevitable to those who refuse to take advantage of the king of Prussia's lights and talents. You say that he was their Cassandra: if so, these people are inexcusable indeed; surely nothing could be less remote than his predictions from the ravings of virgin simplicity. They were oracles directly from the very tripod of Apollo. The rest of mankind do more justice to the heroic intellect, as well as to the other great qualities, of the king your master.

Pray, dear sir, what is next? These powers will con-

tinue armed. Their arms must have employment. Poland was but a breakfast, and there are not many Polands to be found. Where will they dine? After all our love of tranquillity, and all expedients to preserve it, alas, poor Peace!

TO WILLIAM BURGH, ESQ.[1]

DEAR SIR, Westminster, February 9, 1775.

I beg you will not think that my delay in returning you the proof-sheet of your most ingenious and most obliging dedication could proceed from a want of the liveliest sensibility to the great honour you have done me. I now return the proof with my sincerest and most grateful acknowledgments.

Some topics are touched in that dedication, on which I could wish to explain myself to you. I should have been glad to do it through Mr. Mason; but to my great loss, on this and many other accounts, he left town suddenly. Indeed, at that time and ever since, the pressure of American business on one hand, and a petition against my election on the other, left me not a single minute at my disposal, and I have now little leisure enough to explain myself clearly on some points in that dedication, which I either misunderstand, or they go upon a misapprehension of some part of my public conduct; for which reason I wish, if I might presume to interfere, that they may be a little altered.

It is certain that I have, to the best of my power, supported the establishment of the church, upon grounds and principles which I am happy to find countenanced by your approbation. This you have been told; but you have not heard that I supported also the petition of the dissenters, for a larger toleration than they enjoy at present under the letter of the act of King William. In fact, my opinion in favour of toleration goes far beyond the limits of that act, which was no more than a provision for certain sets of men, under certain circumstances, and by no means what is commonly called "an act of toleration." I am greatly deceived, if my opinions on this subject are not consistent with the strictest and the best supported church

[1] Author of a scriptural confutation of Mr. Lindsey's Apology; and, of an inquiry into the belief of the Christians of the first three centuries.

establishment. I cannot consider our dissenters, of almost any kind, as schismatics; whatever some of their leaders might originally have been in the eye of Him, who alone knows whether they acted under the direction of such a conscience as they had, or at the instigation of pride and passion. There are many things amongst most of them which I rather *dislike* than dare to *condemn*. My ideas of toleration go far beyond even theirs. I would give a full civil protection, in which I include an immunity from all disturbance of their public religious worship, and a power of teaching in schools as well as temples, to Jews, Mahometans, and even Pagans; especially if they are already possessed of those advantages by long and prescriptive usage, which is as sacred in this exercise of rights as in any other. Much more am I inclined to tolerate those whom I look upon as our brethren. I mean all those who profess our common hope, extending to all the reformed and unreformed churches, both at home and abroad; in none of whom I find anything capitally amiss, but their mutual hatred of each other. I can never think any man a heretic, or schismatic, by *education*. It must be, as I conceive, by an act in which his *own choice* (influenced by blameable passions) is more concerned than it can be by his early prejudices, and his being aggregated to bodies, for whom men naturally form a great degree of reverence and affection. This is my opinion, and my conduct has been conformable to it. Another age will see it more general; and I think that this general affection to religion will never introduce indifference, but will rather increase real zeal, Christian fervour, and pious emulation; that it will make a common cause against Epicurism, and everything that corrupts the mind and renders it unworthy of its family.[1] But toleration does not exclude national preference, either as to mode or opinions, and all the lawful and honest means which may be used for the support of that preference.

I should be happy to converse with you, and such as you, on these subjects, and to unlearn my mistaken opinions, if such they should be; for, however erroneous, I believe there is no evil ingredient in them. In looking over that dedication, if you should agree with me, that there are some

[1] That is,—of its origin.

expressions that carry with them an idea of my pushing my ideas of church establishment further than I do, you will naturally soften or change them accordingly. I do not know very well how to excuse the great liberty I take, in troubling you with observations, where I ought to speak only my obligations. Be assured, that I feel myself extremely honoured by your good opinion, and shall be made very happy by your friendship.

I am with the greatest esteem, &c.

TO THE MARQUIS OF ROCKINGHAM.

MY DEAR LORD, August 23, 1775.

When I was last in town, I wrote a short letter, by Mr. Thesiger. But I opened all I had in my thoughts so fully to Lord John Cavendish, who was then setting out for the north, that I do not know whether it be necessary to trouble your lordship any further upon the unhappy subject of that letter and conversation. However, if I did not write something on that subject, I should be incapable of writing at all. It has, I confess, taken entire possession of my mind.

We are, at length, actually involved in that war which your lordship, to your infinite honour, has made so many efforts to keep at a distance. It has come upon us in a mannr more disagreeable and unpromising than the most gloomy prognostic had ever foretold it. Your lordship's observation on the general temper of the nation at this crisis is certainly just. If any indication is to be taken from external appearances, the king is entirely satisfied with the present state of his government. His spirits at his levees, at the play, everywhere, seem to be remarkably good. His ministers, too, are perfectly at their ease. Most of them are amusing themselves in the country, while England is disfurnished of its forces in the face of armed Europe, and Gibraltar and Minorca are delivered over to the custody of foreigners. They are at their ease relative to the only point which could give them anxiety, —they are assured of their places.

As to the good people of England, they seem to partake every day, more and more, of the character of that administration which they have been induced to tolerate. I am satis-

fied, that within a few years there has been a great change in the national character. We seem no longer that eager, inquisitive, jealous, fiery people, which we have been formerly, and which we have been a very short time ago. The people look back, without pleasure or indignation; and forward, without hope or fear. No man commends the measures which have been pursued, or expects any good from those which are in preparation; but it is a cold, languid opinion, like what men discover in affairs that do not concern them. It excites to no passion; it prompts to no action.

In all this state of things I find my observation and intelligence perfectly agree with your lordship's. In one point, indeed, I have the misfortune to differ. I do not think that weeks, or even months, or years, will bring the monarch, the ministers, or the people, to feeling. To bring the people to a feeling, such a feeling, I mean, as tends to amendment or alteration of system, there must be plan and management. All direction of public humour and opinion must originate in a few. Perhaps a good deal of that humour and opinion must be owing to such direction. Events supply materials; times furnish dispositions; but conduct alone can bring them to bear to any useful purpose. I never yet knew an instance of any general temper in the nation, that might not have been tolerably well traced to some particular persons. If things are left to themselves, it is my clear opinion that a nation may slide down fair and softly from the highest point of grandeur and prosperity to the lowest state of imbecility and meanness, without any one's marking a particular period in this declension, without asking a question about it, or in the least speculating on any of the innumerable acts which have stolen in this silent and insensible revolution. Every event so prepares the subsequent, that, when it arrives, it produces no surprise, nor any extraordinary alarm. I am certain that if pains, great and immediate pains, are not taken to prevent it, such must be the fate of this country. We look to the merchants in vain—they are gone from us, and from themselves. They consider America as lost, and they look to administration for an indemnity. Hopes are accordingly held out to them, that some equivalent for their debts will be provided. In the mean time, the leading men among them are kept full fed with contracts, and remittances, and

jobs of all descriptions; and they are indefatigable in their endeavours to keep the others quiet, with the prospect of their share in those emoluments, of which they see their advisers already so amply in possession. They all, or the greatest number of them, begin to snuff the cadaverous *haut goût* of lucrative war. War, indeed, is become a sort of substitute for commerce. The freighting business never was so lively, on account of the prodigious taking up for transport service. Great orders for provisions and stores of all kinds, new clothing for the troops and the intended six thousand Canadians, puts life into the woollen manufacture; and a number of men of war, ordered to be equipped, has given a pretence for such a quantity of nails and other iron work, as to keep the midland parts tolerably quiet. All this, with the incredible increase of the northern market since the peace between Russia and the Porte, keeps up the spirits of the mercantile world, and induces them to consider the American war, not so much their calamity, as their resource in an inevitable distress. This is the state of *most*, not of *all* the merchants.

All this, however, would not be of so much consequence. The great evil and danger will be the full and decided engagement of parliament in this war. Then we shall be thoroughly dipped, and then there will be no way of getting out, but by disgracing England, or enslaving America. In that state, ministry has a lease of power, as long as the war continues. The hinge between war and peace is, indeed, a dangerous juncture to ministers; but a determined state of the one or the other is a pretty safe position. When their cause, however absurdly, is made the cause of the nation, the popular cry will be with them. The style will be, that their hands must be strengthened by an unreserved confidence. When that cry is once raised, and raised it infallibly will be, if not prevented, the puny voice of reason will not be heard. As sure as we have now an existence, if the meeting of parliament should catch your lordship and your friends in an unprepared state, nothing but disgrace and ruin can attend the cause you are at the head of. Parliament will plunge over head and ears. They will vote the war with every supply of domestic and foreign force. They will pass an act of attainder;—they will lay their hands upon the press. The ministers will even procure addresses from those very mer-

chants, who, last session, harassed them with petitions; and then,—what is left for us, but to spin out of our bowels, under the frowns of the court and the hisses of the people, the little slender thread of a peevish and captious opposition, unworthy of our cause and ourselves, and without credit, concurrence, or popularity in the nation!

I hope I am as little awed out of my senses by the fear of vulgar opinion, as most of my acquaintance. I think, on a fair occasion. I could look it in the face; but speaking of the prudential consideration, we know that all opposition is absolutely crippled, if it can obtain no kind of support without doors. If this should be found impracticable, I must revert to my old opinion, that much the most effectual and much the most honourable course is, without the obligation of a formal secession, to absent ourselves from parliament. My experience is worth nothing, if it has not made it as clear to me as the sun, that, in affairs like these, a feeble opposition is the greatest service which can be done to ministry; and surely, if there be a state of decided disgrace, it is to add to the power of your enemies by every step you take to distress them.

I am confident that your lordship considers my importunity with your usual goodness. You will not attribute my earnestness to any improper cause. I shall, therefore, make no apology for urging, again and again, how necessary it is for your lordship and your great friends most seriously to take under immediate deliberation what you are to do in this crisis. Nothing like it has happened in your political life. I protest to God, I think that your reputation, your duty, and the duty and honour of us all, who profess your sentiments, from the highest to the lowest of us, demand at this time one honest, hearty effort, in order to avert the heavy calamities that are impending; to keep our hands from blood, and, if possible, to keep the poor, giddy, thoughtless people of our country from plunging headlong into this impious war. If the attempt is necessary, it is honourable. You will, at least, have the comfort that nothing has been left undone, on your part, to prevent the worst mischief that can befall the public. Then, and not before, you may shake the dust from your feet, and leave the people and their leaders to their own conduct and fortune.

I see, indeed, many, many difficulties in the way; but we have known as great, or greater, give way to a regular series of judicious and active exertions. This is no time for taking public business in their course and order, and only as a part in the scheme of life, which comes and goes at its proper periods, and is mixed in with occupations and amusements. It calls for the whole of the best of us; and everything else, however just or even laudable at another time, ought to give way to this great, urgent, instant concern. Indeed, my dear lord, you are called upon in a very peculiar manner. America is yours. You have saved it once, and you may very possibly save it again. The people of that country are worth preserving; and preserving, if possible, to England. I believe your lordship remembers that last year or the year before, I am not sure which, you fixed your quarters for a while in London, and sent circular letters to your friends who were concerned in the business on which you came to town. It was on occasion of the Irish absentee-tax. Your friends met, and the attempt was defeated. It may be worth your lordship's consideration, whether you ought not, as soon as possible, to draw your principal friends together. It may be then examined, whether a larger meeting might not be expedient, to see whether some plan could not be thought of for doing something in the counties and towns. The October meeting at Newmarket will be too late in the year, and then the business of the meeting would take up too much time from the other.

It might be objected to doing anything in this immature condition of the public temper, that the interests of your lordship's friends might suffer in making an attempt, which might be vigorously and rather generally opposed and counterworked. On ordinary occasions this might be a matter of very serious consideration. The risk ought to be proportioned to the object; but this is no ordinary occasion. In the first place, I lay it down that the present state of opposition is so bad, that the worst judged and most untimely exertions would only vary the mode of its utter dissolution. Such a state of things justifies every hazard. But, supposing our condition better, what is an interest cultivated for, but its aptness for public purposes? And for what public purpose do gentlemen wait, that will be more worthy of the use

of all the interests they have? I should certainly consider the affair as desperate, if your success in such an effort depended on anything like an unanimous concurrence in the nation. But in times of trouble, this is impossible. In such times, it is not necessary. A minority cannot make or carry on a war; but a minority, well composed and acting steadily, may clog a war in such a manner, as to make it not very easy to proceed. When you once begin to show yourselves, many will be animated to join you, who are now faint and uncertain. Your adversaries will raise the spirit of your friends; and the very contest will excite that concern and curiosity in the nation, the want of which is now the worst part of the public distemper.

Lord John has given your lordship an account of the scheme we talked over, for reviving the importance of the city of London, by separating the sound from the rotten contract-hunting part of the mercantile interest, uniting it with the corporation, and joining both to your lordship. There are now some facilities attending such a design. Lord Chatham is, in a manner, out of the question; and the court have lost, in him, a sure instrument of division in every public contest. Baker was chiefly relied on for our main part in this work. He was willing to do his part; but, lo! he is called away to another part; and if he is not yet married to Miss Conyers, he will in a very few days. This puts us back. Nothing I believe can be done in it till the Duke of Portland comes to town; and then we shall have a centre to turn upon. Hand, of Leeds, and some other friends, might feel the pulse of the people of Leeds and the adjacent country. Jack Lee would not let his assistance be wanting on such an occasion, and in such a cause; but if Sir George Savile could be persuaded to come forward * * *

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I must instantly set off for Bristol. The enclosed will let your lordship see the necessity of it. The horrid expense of these expeditions would keep me at home; but that city is going headlong to the dust, through the manœuvres of the court and of the Tory party; but principally through the absurd and paltry behaviour of my foolish colleague. I shall be there on the 28th for the assizes; as appearing to go on a particular occasion, may give me an excuse for not continuing long in that quarter.

I have seen J. D. and Penn. The former, I believe, has suffered himself to be made a tool; your lordship will soon see him. The latter is steady for America. His account of the determined spirit and resolution, of the people there agrees with that which we have generally received. He brings a very decent and manly petition from the congress. It mentions no specific conditions, but, in general, it is for peace. Lord Chatham is the idol, as usual. I find by Penn that, in America, they have scarce any idea of the state of men and parties here, nor who are their friends or foes. To this he attributes much of their nonsense about the declaratory act.

Just as I finished this sentence, the paper gives an account (to which I cannot help giving some credit) that a great battle is fought near Boston, to the disadvantage of the unhappy Americans. Though this would add much to the difficulties of our present conduct, it makes no change in the necessity of doing something effectual before the meeting of parliament.

Your lordship will have the goodness to present, &c. &c.

EDM. BURKE.

TO JOHN BOURKE, ESQ.[1]

MY DEAR JOHN, Beconsfield, Thursday, July 11, 1776.

I do assure you that I do not want any of that uncritical friendliness and partiality which you ascribe to me, to induce me very much to like and admire what I have read in the Gazetteer this morning. The subject is very well handled; the language remarkably neat and pure; and I am sure the principles are honest and constitutional. I do not perhaps go all the length of thinking Mr. Wilkes' promise quite a nullity. It is, I admit, never wise, perhaps not often justifiable, to make such engagements; and cases may cer-

[1] A London merchant, descended from the same Norman stock as Mr. Edmund Burke. The subject was probably the desertion of Wilkes by many of his former friends, on his contesting, for the second time, the office of chamberlain of the city of London with Mr. Hopkins, who was elected by a large majority.

tainly be put where the merit will lie in breaking them. But, if they are made, they ought to be kept; and the maker ought to have looked into the propriety of making, and the possibility of keeping them, when he made such declarations. Such professors ought to be held tight to their promises, if it answered no other end than to make them cautious in deceiving the people. When, in the issue, it may prove that some part of the deceit falls upon themselves, it is proper to give them no sort of dispensation, and to allow them no kind of evasion. Our friend is perhaps too young to remember the origin of all this professing, promising, and testing; but he would laugh if he knew that the wolf is now howling in the snare which he had originally laid for honest men. This traitor raised an outcry among that mob who have now surrendered him over to his and their enemies, against all the honest part of the opposition, because they would not join him and his associates, in disclaiming the fair objects of ambition or accommodation, whenever private honour or public principles admitted of them. We were put out of the question as patriots, stripped of all support from the multitude, and the alternative wildly and wickedly put between those who disclaimed all employments, and the mere creatures of the court. They would hear of nobody else. So that nothing has happened, but what they have chosen and prepared. Whenever they fail, the court must profit. I remember that the Shelburne faction acted just in the same manner; until, having overloaded the stomachs of their adherents, they were vomited up with loathing and disgust. It was but a few months after Lord Shelburne had told me gratis, (for nothing led to it,) that the people (always meaning the common people of London) were never in the wrong, that he and all his friends were driven with scorn out of that city. However, I admit, with our worthy friend, that the baseness and corruptness of Mr. Oliver and the livery is not much the less for the villany of him whom they have abandoned the first moment he could hope to derive, from their protection, ease and comfort for his age. Let me wish my young friend, at his entrance into life, to draw a useful lesson from the unprincipled behaviour of a corrupt and licentious people:—that is, never to sacrifice his principles to the hope of obtain-

ing their affections; to regard and wish them well, as a part of his fellow-creatures, whom his best instincts and his highest duties lead him to love and serve, but to put as little trust in them as in princes. For what inward resource has he, when turned out of courts or hissed out of town-halls, who has made their opinions the only standard of what is right, and their favour the sole means of his happiness? I have heard as yet nothing about our future engagement. Possibly the servant I have sent to Lord Rockingham may arrive before the post goes out. He is arrived, and I have no answer. Lord Rockingham was not in town.

I am, with the best regards of all here,
Dear Bourke,
Ever affectionately yours,
EDM. BURKE.

Our love to the occasionalist, but not server of occasions.

TO THE EARL OF HILLSBOROUGH,[1] AND LORD VISCOUNT STORMONT,

TWO OF HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE.

Charles Street, St. James's Square,
October 3, 1780.

MY LORDS,

I think it the right and the duty of every subject of this kingdom to communicate to his Majesty's ministers intelligence of every matter, by which the king's interest and honour, and that of the nation, are likely to be affected.

The chairman and deputy-chairman of the East India Company have come to a resolution of seizing upon, and delivering over to the discretion of their servants at Madras, the revenues of the king of Tanjore,—an ally of the Company, and, therefore, of the crown and nation of Great Britain,—in direct violation of a solemn treaty, by which the Company

[1] The Earl of Hillsborough, born about 1718, died Oct. 1793. At the accession of George the Third he was continued a Privy Councillor in both kingdoms; in 1763 was made first Commissioner of Trade and Plantations; in 1766 Joint Postmaster-General; in 1768 Secretary of State to the Colonies; and from 1779 to 1782 again Secretary of State. He appears to have been the private and confidential friend and adviser of the king; and Adolphus says that "when no longer Secretary of State to the Colonies, he continued to give his advice and assistance to the ministry, to whom his experience was of effectual service."

has engaged that none of their servants shall intermeddle in the internal government of that prince.

This very extraordinary and dangerous design, leading to a general waste and robbery of the only yet remaining native government, and the only flourishing country within the reach of our power in India, was carried through a very thin court of directors.

It was carried through the very day after the sitting of a general court of the East India Company, without the least communication to the body they act for; and although that very general court had come to a resolution to take the whole of their affairs into consideration on so early a day as the sixth of November next.

It was carried through in the absence of Lord North and both secretaries of the treasury,—though, upon representations to his lordship, this business had been formerly stopped, and at a time when he is at so great a distance from town, as to make his interposition, or even any immediate application to him, utterly impracticable.

It was carried through immediately after Mr. William Burke, one of the king of Tanjore's agents, had set off on a journey over-land, with a letter from Lord North, written by the order of his Majesty, to whom the king of Tanjore had submitted his cause, and all his grievances; and in the absence also of the Honourable Mr. Waldegrave, joined in agency with Mr. Burke, who had before protested to the directors against that very predatory resolution, and desired to be heard against it; the king of Tanjore himself having then a regular complaint of grievances, and of extorting money in particular, before the Company.

It was carried through in the recess of parliament, to which the said agents, in the last session, had prepared a petition; which petition was consented to be withheld, solely on the directors putting a stop to their ungrateful design.

It was carried through at a time when the very servants of the Company, to whom the kingdom of Tanjore is to be delivered, are under an inquiry of the court of the very directors who deliver it to them, on but too just a suspicion of peculation and other evil practices.

And in order that no time should be allowed for the dissenting directors, proprietors, or agents, or even for the

king's ministers to interfere, they resolved not to wait for the ships which are to depart, but have prepared a person suddenly to go off over-land; so that if this design had not been providentially discovered, it was very possible that on the evening of the day on which the king of Tanjore was rejoicing on the receipt of a gracious letter from the king's minister, written by his Majesty's order, he might find his revenues forcibly seized on, in violation of the treaty, by an order of the directors, to the infinite scandal of the honour, justice, and policy of the British nation.

It is necessary to lay a matter of this high and criminal nature, pursued in this extraordinary manner, before his Majesty's servants; the crown claiming on the part of the public a right in the possessions and territorial revenues of the Company, and the time for renewal of the charter now approaching.

I humbly venture to suggest, that it is incumbent on his Majesty's ministers that so material a revolution, involving the public faith and the obligation of treaties, together with the welfare of so great a part of the strength of Great Britain, should not be made but on the fullest and most impartial consideration; or that kings and kingdoms, and the lives and properties of millions of innocent people, should not be passed away, by obscure and collusive practices, between any confederacies of men for their private interest and emolument, with much less ceremony than the family settlement of a cottage is made or altered.

I make no apology for troubling your lordships with the notification of so dangerous a proceeding, knowing your desire of obtaining information from every quarter, in any matter that relates to his Majesty's service. On this well-grounded assurance, I am ready to wait on your lordships at any time you may be pleased to appoint, to lay before you, on the most authentic grounds, the futility and fraud of the pretence on which a violence of this extent is attempted by the Company's servants in India, and thus privately, without hearing or notice, consented to by their servants here.

I have the honour to be, with the greatest respect, my lords,

Your lordships' most obedient and most humble Servant,

EDM. BURKE.

TO DR. BENJAMIN FRANKLIN.

DEAR SIR, August, 1781.

I feel as an honest man and as a good citizen ought to feel, the calamities of the present unhappy war. The only part, however, of those calamities which personally affects myself is, that I have been obliged to discontinue my intercourse with you; but that one misfortune I must consider as equivalent to many. I may, indeed, with great truth, assure you, that your friendship has always been an object of my ambition; and that, if a high and very sincere esteem for your talents and virtues could give me a title to it, I am not wholly unworthy of that honour. I flatter myself that your belief in the reality of these sentiments will excuse the liberty I take, of laying before you a matter in which I have no small concern. The application I make originates wholly from myself, and has not been suggested to me by any person whatsoever.

I have lately been informed with great certainty, and with no less surprise, that the congress have made an application for the return of my friend General Burgoyne to captivity in America, at a time when the exchange of almost all the rest of the convention officers has been completed. It is true that this requisition has been for the present withdrawn; but then, it may be renewed at every instant; and no arrangement has been made or proposed, which may prevent a thing on all accounts so very disagreeable, as to see the most opposite interests conspiring in the persecution of a man, formed, by the unparalleled candour and moderation of his mind, to unite the most discordant parties in his favour.

I own this proceeding of the congress fills me with astonishment. I am persuaded that some unusually artful management, or very unexampled delusion, has operated to produce an effect which cannot be accounted for on any of the ordinary principles of nature or of policy.

I shall not enter into the particulars of the convention under which this claim is made, nor into the construction of it, nor the execution. I am not, perhaps, capable of doing justice to the merits of the cause; and if I were, I am not disposed to put them upon any ground of argument, because (whatever others might and possibly ought to do) I am not

pleading a point of strict right, but appealing to your known principles of honour and generosity, with the freedom and privileges of an old friendship; and as I suppose you perfectly acquainted with the whole history of the extraordinary treatment General Burgoyne has met with, I am resolved not to show so much distrust in so sound a memory and so good a judgment as yours, as to attempt to refresh the one or to lead the other.

I am ready to admit that General Burgoyne has been and (as far as what is left him will suffer) is a very affectionate and a very jealous servant of the crown; and that in America he acted as an officer of the king (so long as fortune favoured him) with great abilities, and distinguished fidelity, activity, and spirit. You, my dear sir, who have made such astonishing exertions in the cause which you espouse, and are so deeply read in human nature and in human morals, know better than anybody, that men will and that sometimes they are bound to take very different views and measures of their duty from local and from professional situation; and that we may all have equal merit in extremely different lines of conduct. You know that others may deserve the whole of your admiration in a cause, in which your judgment leads you to oppose them. But whatever may be our opinions on the origin of this fatal war, I assure you, General Burgoyne has the merit of never having driven it on with violence, or fostered or kept it alive by any evil arts, or aggravated its natural mischiefs by unnecessary rigour; but has behaved on all occasions with that temper which becomes a great military character, which loves nothing so well in the profession, as the means it so frequently furnishes of splendid acts of generosity and humanity.

You have heard of the sacrifices he has made to his nice sense of honour on this side of the water—sacrifices far beyond the just demands of the principle to which they were made. This has been no advantage to the country where he was piqued to it. Shall America, too, call for sacrifices that are still more severe, and of full as little advantage to those who demand them? I know the rigour of political necessity; but I see here as little of necessity, or even expedience, as of propriety. I know the respect that is due to all public bodies; but none of them are exempt from mistake; and the

most disrespectful thing that can be done towards them is to suppose them incapable of correcting an error.

If I were not fully persuaded of your liberal and manly way of thinking, I should not presume, in the hostile situation in which I stand, to make an application to you. But in this piece of experimental philosophy I run no risk of offending you. I apply not to the ambassador of America, but to Dr. Franklin, the philosopher,—the friend and the lover of his species. In that light, whatever colour politics may take,[1]

I shall ever have the honour to be,
Dear Sir, &c. &c.
EDM. BURKE.

TO PHILIP FRANCIS, ESQ.

MY DEAR SIR, Gerard Street, February 20, 1790.

I sat up rather late at Carlton House, and on my return hither I found your letter on my table. I have not

[1] Franklin replied to this letter as follows:—

SIR, Passy, October 15, 1781.

I received but a few days ago your very friendly letter of August last, on the subject of General Burgoyne.

Since the foolish part of mankind will make wars from time to time with each other, not having sense enough otherwise to settle their differences, it certainly becomes the wiser part, who cannot prevent these wars, to alleviate as much as possible the calamities attending them.

Mr. Burke always stood high in my esteem; his affectionate concern for his friend renders him still more amiable, and makes the honour he does me in admitting me of the number still more precious.

I do not think the congress have any wish to persecute General Burgoyne. I never heard till I received your letter that they had recalled him. If they have made such a resolution, it must be, I suppose, a conditional one;—to take place in case their offer of exchanging him for Mr. Laurens should not be accepted—a resolution intended to enforce that offer.

I have just received an authentic copy of the resolve containing that offer, and authorizing me to make it. As I have no communication with your ministers, I send it enclosed to you. If you can find any means of negotiating this business, I am sure the restoring another worthy man to his family and friends will be an addition to your pleasure.

With great and invariable respect and affection,
I am, Sir,
Your most humble and most obedient Servant,
B. FRANKLIN.

slept since. You will, therefore, excuse me if you find anything confused, or otherwise expressed than I could wish, in speaking upon a matter which interests you from your regard to me. There are some things in your letter for which I must thank you; there are others which I must answer;—some things bear the mark of friendly admonition; others bear some resemblance to the tone of accusation.

You are the only friend I have who will dare to give me advice; I must, therefore, have something terrible in me, which intimidates all others who know me from giving me the only unequivocal mark of their regard. Whatever this rough and menacing manner may be, I must search myself upon it; and when I discover it, old as I am, I must endeavour to correct it. I flattered myself, however, that you at least would not have thought my other friends justified in withholding from me their services of this kind. You certainly do not always convey to me your opinions with the greatest tenderness and management; and yet I do not recollect, since I first had the pleasure of your acquaintance, that there has been a heat or a coolness of a single day's duration, on my side, during that whole time. I believe your memory cannot present to you an instance of it. I ill deserve friends, if I throw them away on account of the candour and simplicity of their good nature. In particular you know, that you have in some instances favoured me with your instructions relative to things I was preparing for the public. If I did not in every instance agree with you, I think you had, on the whole, sufficient proofs of my docility, to make you believe that I received your corrections, not only without offence, but with no small degree of gratitude.

Your remarks upon the first two sheets of my Paris letter relate to the composition and the matter. The composition, you say, is loose, and I am quite sure of it:—I never intended it should be otherwise. For, purporting to be, what in truth it originally was—a letter to a friend, I had no idea of digesting it in a systematic order. The style is open to correction, and wants it. My natural style of writing is somewhat careless, and I should be happy in receiving your advice towards making it as little vicious as such a style is capable of being made. The general character and colour of a style, which grows out of the writer's peculiar turn of mind and

habit of expressing his thoughts, must be attended to in all corrections. It is not the insertion of a piece of stuff, though of a better kind, which is at all times an improvement.

Your main objections are, however, of a much deeper nature, and go to the political opinions and moral sentiments of the piece; in which I find, though with no sort of surprise, having often talked with you on the subject,—that we differ only in everything. You say, "the mischief you are going to do yourself is to my apprehension palpable; I snuff it in the wind, and my taste sickens at it." This anticipated stench, that turns your stomach at such a distance, must be nauseous indeed. You seem to think I shall incur great (and not wholly undeserved) infamy, by this publication. This makes it a matter of some delicacy to me, to suppress what I have written; for I must admit in my own feelings, and in that of those who have seen the piece, that my sentiments and opinions deserve the infamy with which they are threatened. If they do not, I know nothing more than that I oppose the prejudices and inclinations of many people. This I was well aware of from the beginning; and it was in order to oppose those inclinations and prejudices that I proposed to publish my letter. I really am perfectly astonished how you could dream, with my paper in your hand, that I found no other cause than the beauty of the queen of France (now, I suppose, pretty much faded) for disapproving the conduct which has been held towards her, and for expressing my own particular feelings. I am not to order the natural sympathies of my own heart, and of every honest breast, to wait until all the jokes of all the anecdotes of the coffee-houses of Paris, and of the dissenting meeting-houses of London, are scoured of all the slander of those who calumniate persons, that afterwards they may murder them with impunity. I know nothing of your story of Messalina. Am I obliged to prove juridically the virtues of all those I shall see suffering every kind of wrong, and contumely, and risk of life, before I endeavour to interest others in their sufferings, —and before I endeavour to excite horror against midnight assassins at back-stairs, and their more wicked abettors in pulpits? What!—Are not high rank, great splendour of descent, great personal elegance and outward accomplishments, ingredients of moment in forming the interest we take

in the misfortunes of men? The minds of those who do not feel thus are not even systematically right. "What's Hecuba to him, or he to Hecuba, that he should weep for her?" —Why,—because she was Hecuba, the queen of Troy,—the wife of Priam,—and suffered, in the close of life, a thousand calamities! I felt too for Hecuba, when I read the fine tragedy of Euripides upon her story; and I never inquired into the anecdotes of the court or city of Troy, before I gave way to the sentiments which the author wished to inspire;—nor do I remember that he ever said one word of her virtue. It is for those who applaud or palliate assassination, regicide, and base insult to women of illustrious place, to prove the crimes (in[1] sufferings) which they allege, to justify their own. But if they have proved fornication on any such woman,—taking the manners of the world, and the manners of France,—I shall never put it in a parallel with assassination!—No: I have no such inverted scale of faults, in my heart or my head.

You find it perfectly ridiculous, and unfit for me in particular, to take these things as my ingredients of commiseration. Pray why is it absurd in me to think, that the chivalrous spirit which dictated a veneration for women of condition and of beauty, without any consideration whatever of enjoying them, was the great source of those manners which have been the pride and ornament of Europe for so many ages? And am I not to lament that I have lived to see those manners extinguished in so shocking a manner, by means of speculations of finance, and the false science of a sordid and degenerate philosophy? I tell you again,—that the recollection of the manner in which I saw the queen of France, in the year 1774, and the contrast between that brilliancy, splendour, and beauty, with the prostrate homage of a nation to her,—and the abominable scene of 1789, which I was describing,—*did* draw tears from me and wetted my paper. These tears came again into my eyes, almost as often as I looked at the description;—they may again. You do not believe this fact, nor that these are my real feelings; but that the whole is affected, or, as you express it, downright foppery. My friend,—I tell you it is truth; and that it is true, and will be truth, when you and I are no more; and will exist

[1] The MS. of this letter is not the original, and probably there has been some error in copying these words.

as long as men with their natural feelings shall exist. I shall say no more on this foppery of mine. Oh! by the way, you ask me how long I have been an admirer of German ladies? Always the same. Present me the idea of such massacres about any German lady here, and such attempts to assassinate her, and such a triumphant procession from Windsor to the Old Jewry, and I assure you, I shall be quite as full of natural concern and just indignation.

As to the other points, they deserve serious consideration, and they shall have it. I certainly cannot profit quite so much by your assistance as if we agreed. In that case, every correction would be forwarding the design. We should work with one common view. But it is impossible that any man can correct a work according to its true spirit, who is opposed to its object, or can help the expression of what he thinks should not be expressed at all.

I should agree with you about the vileness of the controversy with such miscreants as the "Revolution Society" and the "National Assembly;" and I know very well that they, as well as their allies, the Indian delinquents, will darken the air with their arrows. But I do not yet think they have the advowson of reputation. I shall try that point. My dear sir, you think of nothing but controversies; "I challenge into the field of battle, and retire defeated, &c." If their having the last word be a defeat, they most assuredly will defeat me. But I intend no controversy with Dr. Price, or Lord Shelburne, or any other of their set. I mean to set in full view the danger from their wicked principles and their black hearts. I intend to state the true principles of our constitution in church and state, upon grounds opposite to theirs. If any one be the better for the example made of them, and for this exposition, well and good. I mean to do my best to expose them to the hatred, ridicule, and contempt of the whole world; as I always shall expose such calumniators, hypocrites, sowers of sedition, and approvers of murder and all its triumphs. When I have done that, they may have the field to themselves; and I care very little how they triumph over me, since I hope they will not be able to draw me at their heels, and carry my head in triumph on their poles.

I have been interrupted, and have said enough. Adieu!

believe me always sensible of your friendship; though it is impossible that a greater difference can exist on earth than, unfortunately for me, there is on those subjects, between your sentiments and mine.

EDM. BURKE.

TO CAPTAIN WOODFORD.[1]

SIR, Duke Street, St. James's, February 11th, 1791.

I must beg your favourable interpretation of my long silence. I have really been engaged in business which has occupied my whole mind, and made me somewhat negligent in the attentions which are most justly due from me. Amongst these I must reckon what I owe to you, for your communication of the sentiments of the Abbé Maury, and for the very polite and obliging manner in which you have made that communication.

I have to thank you for the excellent speeches of the Abbé, which, until your goodness furnished me with them, I had never read. I had never before seen anything of his, which could furnish a proper idea of his manner of treating a subject. I had seen him only in detached pieces; and sometimes, I apprehend, under the disadvantage of a representation of his enemies. Even in that form, I thought I perceived the traces of a superior mind. The pieces which you have been so kind to put in my hands have more than justified the ideas I had formed of him from reputation. I find there a bold, manly, commanding, haughty tone of eloquence, free and rapid, and full of resources; but admiring as I do his eloquence, I admire much more his unwearied perseverance, his invincible constancy, his firm intrepidity, his undaunted courage, and his noble defiance of vulgar opinion and popular clamour. These are real foundations of glory. Whenever he shall get rid of the dangers of his inviolability, and shall wish to relax in the ease and free intercourse of this land of slavery (in which he has nothing to dread from a committee of researches, or the excellent laws of *lese-nation*), he shall, with a very sincere and open heart, receive from me the *accolade chevaleresque*, which he conde-

[1] Captain Woodford, probably, had lately just returned from Paris.

scends to desire; for he has acquitted himself *en preux chevalier*, and as a valiant champion in the cause of honour, virtue, and noble sentiments,—in the cause of his king and his country,—in the cause of law, religion, and liberty. Be pleased only to express my sorrow, that the mediocrity of my situation, and the very bad French which I speak, will neither of them suffer me to entertain him with the distinction I should wish to show him. I will do the best I can. I have had the Count de Mirabeau in my house; will he submit afterwards to enter under the same roof? I will have it purified and expiated, and I shall look into the best *formulas* from the time of Homer downwards, for that purpose. I will do everything but imitate the Spaniard, who burned his house because the Connetable de Bourbon had been lodged in it. That ceremony is too expensive for my finances. Anything else I shall readily submit to for its purification; for I am extremely *superstitious*, and think his coming into it was of evil augury; worse, a great deal, than the crows, which the Abbé will find continually flying about me. It is his having been in so many prisons in France that has proved so ominous to them all. Let the Hall of the National Assembly look to itself, and take means of averting the same ill auspices that threaten it. They are a fine nation that send their monarchs to prison, and take their successors from the jails! The birth of such monsters has made me as superstitious as Livy. A friend of mine, just come from Paris, tells me he was present when the Count de Mirabeau—I beg his pardon,—Mr. Ricquetti,[1] thought proper to entertain the assembly with his opinion of me. I only answer him by referring him to the WORLD's opinion of *him*. I have the happiness not to be disapproved by my sovereign. I can bear the frowns of Ricquetti the First, who is theirs. I am safe under the British laws. I do n't intend to put myself in the way of his inquisition, or of his *lanterne;* which I consider as much more dangerous to honest men, though not to him, than the Bastile was formerly. If I were to go to France, I should think the government of Louis the Sixteenth much more favourable to liberty than that of their present king, Ricquetti the First. In one thing, indeed, I find him,

[1] Ricquetti was the family name of Mirabeau, and which during the Revolution he used in preference.

though he was a bad subject, to me at least a kind sovereign; since, in speaking of me, he has done it in the only way which could contribute either to my satisfaction or reputation. To be the subject of M. Ricquetti's invectives and of Abbé Maury's approbation at the same time, is an honour to which little can be added. Mirabeau, in his jail, would be an object of my pity; on his throne (which, by the sport of fortune, may be the reward of what commonly leads to what I do n't choose to name) he is the object of my disdain. For vice is never so odious, and to rational eyes never so contemptible, as when it usurps and disgraces the natural place of virtue; and virtue is never more amiable to all who have a true taste for beauty, than when she is naked, and stripped of all the borrowed ornaments of fortune. Mons. Cazales and Abbé Maury have derived advantages to their fame from their disasters, which they never could have had from the most prosperous event of their conflicts; which, however, I wish may come in the end, not for their own sakes, but for the benefit of mankind.

I have the honour to be, &c.

EDM. BURKE.

TO LORD GRENVILLE.

Beconsfield, August 18th, 1792.

I DO not know whether I can perfectly justify myself in venturing to trouble your lordship, in my imperfect state of knowledge, with any suggestions of mine. But I trust, that however weak you may find my notions, you will believe that they are formed with general good intentions, and that they are laid before you with all possible respect to yourself and to your colleagues, and with real good wishes for whatever may contribute to your reputation in the conduct of the king's business.

The late shocking, though long expected, event at Paris, has rendered, in my opinion, every step that shall be taken with regard to France, at this conjuncture, extremely delicate.

The part of a neutral power is, in itself, delicate; but particularly so in a case in which it is impossible to suppose that, in this neutrality, there should not be some lurking

wish in favour of one of the parties in the contest. The conduct of such a power will be looked up to with hope and fear during the contention. Everything which such a power says or does, will be construed by an application to the circumstances.

The present circumstances are an attack upon the king of France's palace; the murder of all who were found in it; the imprisonment of the king; his suspension, stated by the faction itself as a deposition; acts of violence which have obliged the majority of the national assembly to absent themselves from their functions, add to these, the intention, not in the least ambiguous, of bringing the king and queen to a trial; the resolution expressed by many of putting them to death, with or without that formality. The effect of these things, from their very nature, and from the nature of men, as well as from the principle on which they are done, at a time when theories are rashly formed, and readily pass from speculation into practice, and when ill examples, at all times apt to infect, are so unusually contagious, it is unnecessary for me to state to one of your lordship's sagacity and penetration.

This last revolution, whatever name it may assume, at present bears no one character of a national act. It is the act only of some desperate persons, inhabitants of one city only, instigating and hiring at an enormous expense the lowest of the people, to destroy the monarch and the monarchy, with whatever else is respectable in society. Not one officer of the national guards of Paris, which officers are composed of nothing higher than good tradesmen, has appeared in this business. It is not yet adopted throughout France by any one class of people. No regular government of any country has yet an object with which they can decently treat in France, or to which they can rationally make any official declaration whatsoever.

In such a state of things, to address the present heads of the insurrection, put by them into the nominal administrative departments of state office, is to give a direct sanction to their authority on the part of the court of Great Britain. To this time, the king of France's name has appeared to every public act and instrument; and all office transactions to our court, and to every other foreign court, have appear-

ed in their usual form. If we pleased, it was in our power to shut our eyes to everything else; but this is now no longer possible. I should, therefore, beg leave to submit it to consideration, whether to recognise the leaders in the late murderous insurrection as the actual governors of France is not, at best, a little premature. Perhaps it may be a doubt, as a matter of sound policy, whether more would not be lost by this hasty recognition on the side of the great, settled, and acknowledged powers, than we can hope to gain by pressing to pay our court to this, at best, unformed and embryo potentate. I take it for granted, that it will not be easy for Lord Gower[1] to continue in his present situation. If it were even thought for the dignity of this crown, no man of honour and spirit would submit to it. It is a sacrifice too great to be made, of all generous and noble feeling. I should humbly propose it for consideration, whether, on his retreat, great reserve ought not to be used with regard to *any declaration*. If any person standing in the place of a minister should apply to him for an explanation, he ought, in my poor opinion, to be *absolutely silent*. But if that should not be thought the best course, he might say that he had had leave to return on his private affairs. The king of Spain has no minister at Paris, yet his neutrality has hitherto been complete. The neutrality of this court has already been more than once declared. *At this moment*, any over-prompt and affected new declaration on that subject, made to the persons who have lately vaulted into the seat of government, after committing so many atrocious acts, and threatening more, would have all *the force and effect of a declaration in their favour*. Although it should be covered with mollifying expressions with regard to the king's personal safety (which will be considered as nothing but a sacrifice to decorum and ceremony, and as mere words of course), it will appear to the Jacobin faction as *a direct recommendation to their meditated act of regicide;* knowing, as the world does, their dispositions, their menaces, their preparations, and the whole train of the existing circumstances. In that case, to say, "I hope you mean no ill, and I recommend it to you to do no ill, but do what you please, you have nothing to fear from

[1] At this time our ambassador at Paris.

me," would be plainly to call upon them to proceed to any lengths their wickedness might carry them.

It is a great doubt with me, whether a declaration to this new power, a creature almost literally of yesterday, and a creature of treasonable and murderous riot of the lowest people in one city, is not a substantial breach of the neutrality promised to the power to whom originally the neutrality was assured, on the interposition of *foreign* powers; namely, to the most Christian king. To take the first opportunity, with the most extraordinary haste, to remove all fears from the minds of his assassins, is tantamount to taking a part against him. Much I fear, that though nothing could be more remote from the intention of this court, yet if such a declaration were made, and if the act of atrocity apprehended should actually take place, we shall be considered as ready accomplices in it, and *a sort of accessaries before the fact;* particularly when no declaration on the part of our court has been called for by the new power, and that, as yet, they have no minister at this court. If the step of the recall of our minister (supposing such a step in contemplation) should produce any fears in them, I see no use in removing those fears. On our part, the navy of France is not so formidable that I think we have any just ground of apprehension that she will make war upon us. It is not the enmity, but the friendship of France that is truly terrible. Her intercourse, her example, the spread of her doctrines, are the most dreadful of her arms.

I do not see what a nation loses in reputation or in safety, by keeping its conduct in its own power. I think such a state of freedom in the use of a moral and political reserve in such unheard-of circumstances can be well justified to any sovereign abroad, or to any person or party at home. I perceive that much pains are taken by the Jacobins of England to propagate a notion, that one state has not a right to interfere according to its discretion in the interior affairs of another. This strange notion can only be supported by a confusion of ideas, and by not distinguishing the case of rebellion and sedition in a neighbouring country, and taking a part in the divisions of a country when they do prevail, and are actually formed. In the first case there is undoubtedly more difficulty than in the second, in which there is clearly

no difficulty at all. To interfere in such dissensions requires great prudence and circumspection, and a serious attention to justice, and to the policy of one's own country, as well as to that of Europe. But an abstract principle of public law, forbidding such interference, is not supported by the reason of that law, nor by the authorities on the subject, nor by the practice of this kingdom, nor by that of any civilized nation in the world. This nation owes its laws and liberties, his Majesty owes the throne on which he sits, to the contrary principle. The several treaties of guarantee to the Protestant succession, more than once reclaimed, affirm the principle of interference, which in a manner forms the basis of the public law in Europe. A more mischievous idea cannot exist, than that any degree of wickedness, violence, and oppression may prevail in a country, that the most abominable, murderous, and exterminating rebellions may rage in it, or the most atrocious and bloody tyranny may domineer, and that no neighbouring power can take cognizance of either, or afford succour to the miserable sufferers.

I trust your lordship will have the goodness to excuse the freedom taken by an old member of parliament. The habits of the House of Commons teach a liberty, perhaps improper, with regard to office. But be assured, there is nothing in mine that has the smallest mixture of hostility; and it will, I trust, appear that my motives are candid and friendly, if ever this affair should come into discussion in the House of Commons, and I should feel myself called on to deliver my opinions. If I were, as formerly I have been, in systematic opposition (most assuredly I am not so now), I had much rather, according to my practice in more instances than one, respectfully to state a doubt to ministers whilst a measure is depending, than to reproach them afterwards with its consequences in my place. What I write will, I hope, at worst, be thought the intrusion of an importunate friend. I am thoroughly convinced that the faction of the English Jacobins, though a little under a cloud for the present, is neither destroyed nor disheartened. The fire is still alive under the ashes. Every encouragement, direct or indirect, given to their brethren in France stirs and animates the ember So sure as we have an existence, if these things should go on in France, as go on they may, so sure it is that

in the ripeness of their time, the same tragedies will be acted in England. Carra, and Condorcet, and Santerre, and Manuel, and Petion, and their brethren the Priestleys, the Coopers, and the Watts—the deputies of the body of the dissenters and others at Manchester, who embraced Carra in the midst of the Jacobin club;—the revolution-society that received Petion in London;—the whole race of the *affiliated*, who are numerous and powerful, whose principles, dispositions, and wishes are the very same, are as closely connected as ever; and they do not fail to mark and to use everything that shows a remissness, or any equivocal appearance, in government, to their advantage. I conceive that the Duke of Brunswick is as much fighting the battle of the crown of England as the Duke of Cumberland did at Culloden. I conceive that any unnecessary declarations on our part will be to him, and to those who are disposed to put a bound to the empire of anarchy and assassination, a signal discouragement. The cause of my dread, and perhaps over-officious, anxiety at this time, has arisen from what (you will have the goodness to pardon me) I thought *rather too much readiness to declare on other occasions* Perhaps I talk of a thing not at all in contemplation. If no thoughts of the kind have been entertained, your lordship will be pleased to consider this as waste paper. It is, at any rate, but as a hint to yourself, and requires no answer.

I have the honour to be, &c. &c.

EDM. BURKE.

TO MRS. CREWE.[1]

MY DEAR MADAM, No date. Probably the end of 1794.

Mrs. Burke has shown me what you have written about the conversations which came to your ears relative to the allowance which the committee makes to the French clergy. To be sure, those who go about begging must expect to hear, and they ought patiently to bear, a great many churlish things. One object to many people, either in giving or refusing, is to exercise a sort of power. It is a sort of

[1] Wife of John Crewe, Esq., many years M. P. for Cheshire, and raised to the peerage in 1806. Her portrait was painted by Sir Joshua Reynolds, and will be found in the 2nd vol. of his engraved Works.

purchase of their benevolence, to let them indulge themselves in a sort of dominion. I really am in doubt whether it answers any purpose to give to many of this description any answer; for what they say is not from doubt that aims at being satisfied, but from sheer ill-nature and perverseness, and to prevent other people from doing the good which they are unwilling to do themselves. Who told them that Mr. Wilmot and his committee allow a farthing more than is absolutely necessary? Who told them that they who live in London are not the best judges of what will maintain a man there? Who told them that these unfortunate victims of our common cause live in luxury? Who told them that it is not more difficult for them to be persuaded to receive the most scanty measure of their necessities, than to persuade the committee to give it? We know that the charity of many people is so closely connected with the idea of sturdy beggars, vagrants, and thieves, that they can hardly separate from them the objects of benevolence in their own minds. The first process in their scheme of humanity is the hatred and contempt of those who are to profit by it. In their idea of relief, there is always included something of punishment. But we must pass them. I trust that many will be still found of a pure and unmixed good-nature, which many have shown, and which you show abundantly. What is *enough*? It is a word of large import with regard to ourselves,—very limited with regard to others. However, if there be any benevolent people that are entangled with these objections, you will bid them consider what a footman's board wages is in London, who has his master's house to lodge in, and has his firing, and candle-light, and clothing found. To be sure if we could collect the whole into one house, as is the case of about 600 that are collected at Winchester, they might be in London, as these are at Winchester, maintained for less money. But to build and furnish a house in London, capable of containing 1500, or indeed half the number, would exhaust more money than we have. The same objection would be to the hiring and furnishing of several houses. It was on full consideration that the committee fixed this allowance. At first it was not sufficient, and on a calculation which I myself presented to the committee, it was raised to thirteen shillings; but as these worthy and *discontented* peo-

ple began to know a little better the ways of the town, and in what manner they might pack four or five together in a miserable room, in which they might cook their victuals in common, they themselves proposed the reduction. How they made it answer, I know not; but I am sure that, in London, the committee, if they undertook the matter, could not maintain them at a much larger price. As to clothing, except for a few, who were at first in a manner stripped naked, no provision has been made. The manner of living of common soldiers is in the eye of these objectors; but they forget that, in quarters, the inn-keepers are obliged to find for the soldiers lodging, fire, candle-light, small-beer, salt, and vinegar, gratis. These are large helps. Then the economical discipline of the army is itself a help, which in no part of civil life can be had. Some of the clergy cut off two or three of their scanty meals in a week to clothe themselves. At Winchester, Lady Rockingham has given 600 flannel waistcoats, besides furnishing something towards the employment of those who can earn something by trades. The people at large, and individuals, have done much. I hope they will not be tired of doing good to these refugees, in whom they may contemplate at their ease what their own situation would infallibly have been, had our English Jacobins succeeded; with this unhappy difference against us, that the French Jacobins would not have left us a place of retreat. Adieu! my dear madam. God bless you, and give success to your design!

Yours ever,

EDM. BURKE.

Hannah More, by all means. There is a book published by Abbé Baruel, which contains the most ample account of this persecution which has appeared; I believe perfectly to be depended upon. Matters have come to my knowledge which convince me that he falls short rather than exceeds. It is called "Histoire du Clergé pendant la Revolution Françoise." Your bookseller can get it. William Burke has taken to town Brissot's book. Cazalès presents his devoirs. I pity, from my soul, those French, who neither know how to rejoice or to be afflicted at any good news on our part. The best wishes of all here to Mr. Crewe.

TO REV. DR. HUSSEY.

MY DEAR SIR, Beconsfield, May 18, 1795.

I don't know exactly why I am so unwilling to write by the post. I have little to say that might not be known to the world; at the same time, there is something unpleasant in talking the confidential language of friendship in the public theatre. It is still worse to put it into the power of any one to make unfaithful representations of it, or to make it the subject of malicious comments. I thank you for your letter; it is full of that good sense and good temper, as well as of that fortitude, which are natural to you. Since persons of so much greater authority than I am, and of so much better judgment, are of opinion you ought to stay, it was clearly right for you to remain at all risks. Indeed, if it could be done with tolerable safety, I wished you to watch over the cradle of those seminaries, on which the future weal or woe of Ireland essentially depends. For you, I dread the revolutionary tribunal of Drogheda. For the country, if some proper mode of education is not adopted, I tremble for the spread of atheism amongst the Catholics. I do not like the style of the meeting[1] in Francis Street. The tone was wholly Jacobinical. In parliament, the language of your friends (one only excepted) was what it ought to be. But that one speech, though full of fire and animation, was not warmed with the fire of heaven. I am sorry for it. I have seen that gentleman but once. He is certainly a man of parts; but one who has dealt too much in the philosophy of France. Justice, prudence, tenderness, moderation, and Christian charity, ought to become the measures of tolerance; and not a cold apathy, or, indeed, rather a savage hatred, to all religion, and an avowed contempt of all those points on which we differ, and on those about which we agree. If what was said in Francis Street was in the first heat, it might be excused. They were given to understand that a change of administration, short only of a revolution in violence, was made, only on account of a disposition in a Lord-Lieutenant to favour Catholics. Many provoking circumstances attended the business; not the least of them was, that they saw themselves delivered over to their enemies, on no other

[1] The assembly of the Roman Catholics held April 9th, 1795, in Francis Street Chapel.

apparent ground of merit than that they were such. All this is very true: but under every provocation they ought not to be irritated by their enemies out of their principles and out of their senses. The language of the day went plainly to a separation of the two kingdoms. God forbid that anything like it should ever happen! They would both be ruined by it; but Ireland would suffer most and first. The thing, however, is impossible. Those who should attempt that improbability would be undone. If ever the arms, which, indirectly, these orators seem to menace, were to be taken up, surely the threat of such a measure is not wise, as it could add nothing to their strength, but would give every possible advantage to their enemies. It is a foolish language, adopted from the united Irishmen, that their grievances originate from England. The direct contrary. It is an ascendancy which some of their own factions have obtained here, that has hurt the Catholics with this government. It is not as an English government that ministers act in that manner, but as assisting a party in Ireland. When they talk of dissolving themselves as a Catholic body, and mixing their grievances with those of their country, all I have to say is, that they lose their own importance as a body by this amalgamation; and they sink real matters of complaint in those which are factious and imaginary. For in the name of God, what grievance has Ireland, as Ireland, to complain of with regard to Great Britain; unless the protection of the most powerful country upon earth,—giving all her privileges, without exception, in common to Ireland, and reserving to herself only the painful preeminence of ten-fold burthens, be a matter of complaint. The subject, as a subject, is as free in Ireland as he is in England. As a member of the empire, an Irishman has every privilege of a natural-born Englishman, in every part of it, in every occupation, and in every branch of commerce. No monopoly is established against him anywhere; and the great staple manufacture of Ireland is not only not prohibited, not only not discouraged, but it is privileged in a manner that has no example. The provision trade is the same; nor does Ireland, on her part, take a single article from England, but what she has with more advantage than she could have it from any nation upon earth. I say nothing of the immense advantage she derives from the use of the English capital. In what country upon earth is it,

that a quantity of linens, the moment they are lodged in the warehouse, and before the sale, would entitle the Irish merchant or manufacturer to draw bills on the terms. and at the time, in which this is done by the warehouseman on London? Ireland therefore, as Ireland, whether it be taken civilly, constitutionally, or commercially, suffers no grievance. The Catholics, as Catholics, do; and what can be got by joining their real complaint to a complaint which is fictitious, but to make the whole pass for fiction and groundless pretence? I am not a man for construing with too much rigour the expressions of men under a sense of ill-usage. I know that much is to be given to passion; and I hope I am more disposed to accuse the person who provokes another to anger, than the person who gives way to natural feelings in hot language. If this be all, it is no great matter; but, if anger only brings out a plan that was before meditated, and laid up in the mind, the thing is more serious. The tenor of the speeches in Francis Street, attacking the idea of an incorporating union between the two kingdoms, expressed principles that went the full length of a separation, and of a dissolution of that union, which arises from their being under the same crown. That Ireland would, in that case, come to make a figure amongst the nations, is an idea which has more of the ambition of individuals in it, than of a sober regard to the happiness of a whole people. But if a people were to sacrifice solid quiet to empty glory, as on some occasions they have done; under the circumstances of Ireland, *she*, most assuredly, never would obtain that independent glory, but would certainly lose all her tranquillity, all her prosperity, and even that degree of lustre which she has, by the very free and very honourable connexion she enjoys with a nation the most splendid and the most powerful upon earth. Ireland, *constitutionally*, is independent; *politically*, she never can be so. It is a struggle against nature. She must be protected, and there is no protection to be found for her, but either from France or England. France, even if (under any form she may assume) she were disposed to give the same liberal and honourable protection to Ireland, has not the means, of either serving or hurting her, that are in the hands of Great Britain. She might make Ireland (supposing that kind of independence could be maintained, which for a year I am certain it could not) a dreadful thorn in the side of this kingdom;

but Ireland would dearly buy that malignant and infernal satisfaction, by a dependence upon a power, either despotic, as formerly, or anarchical, as at present. We see, well enough, the kind of liberty which she either enjoys herself, or is willing to bestow on others. This I say with regard to the scheme of those who call themselves United Irishmen; that is to say, of those who, without any regard to religion, club all kinds of discontents together, in order to produce all kinds of disorders. But to speak to Catholics as such, it is plain that whatever security they enjoy for their religion, as well as for the many solid advantages which, even under the present restrictions, they are entitled to, depends wholly upon their connexion with this kingdom. France is an enemy to all religion; but eminently, and with a peculiar malignity, an enemy to the Catholic religion, which they mean, if they can, to extirpate throughout the globe. It is something perverse, and even unnatural, for Catholics to hear even the sound of a connexion with France; unless, under the colour and pretext of a religious description, they should, as some have done in this country, form themselves into a mischievous political faction. Catholics, as things now stand, have all the splendid abilities, and much of the independent property, in parliament in their favour, and every Protestant (I believe with very few exceptions) who is really a Christian. Should they alienate these men from their cause, their choice is amongst those, who, indeed, may have ability, but not wisdom or temper in proportion; and whose very ability is not equal, either in strength or exercise, to that which they lose. They will have to choose men of desperate property, or of no property; and men of no religious and no moral principle. Without a Protestant connexion of some kind or other, they cannot go on; and here are the two sorts of descriptions of Protestants between whom they have an option to make. In this state of things, their situation, I allow, is difficult and delicate. If the better part lies by in a sullen silence, they still cannot hinder the more factious part both from speaking and from writing; and the sentiments of those who are silent will be judged by the effusions of the people, who do not wish to conceal thoughts that the sober part of mankind will not approve. On the other hand, if the better and more temperate part come forward to disclaim the others, they instantly make a breach in their own party, of which a

malignant enemy will take advantage to crush them all. They will praise the sober part, but they will grant them nothing they shall desire; nay, they will make use of their submission as a proof that sober men are perfectly satisfied in remaining prostrate under their oppressive hands. These are dreadful dilemmas; and they are such as ever will arise, when men in power are possessed with a crafty malignant disposition, without any real wisdom or enlarged policy.

However, as, in every case of difficulty, there is a better way of proceeding and a worse, and that some medium may be found between an abject and, for that reason, an imprudent submission, and a contumacious, absurd resistance,—what I would humbly suggest is, that on occasion of the declamations in the newspaper, they should make, not an apology (for that is dishonourable and dangerous), but a strong charge on their enemies for defamation; disclaiming the tenets, practices, and designs impudently attributed to them, and asserting, in cool, modest, and determined language, their resolution to assert the privileges to which, as good citizens and good subjects, they hold themselves entitled, without being intimidated or wearied out by the opposition of the monopolists of the kingdom. In this there will be nothing mean or servile, or which can carry any appearance of the effect of fear; but the contrary. At the same time, it will remove the prejudices which, on this side of the water as well as on yours, are propagated against you with so much systematic pains. I think the committee would do well to do something of this kind in their own name. I trust those men of great ability in that committee, who incline to think that the Catholics ought to melt down their cause into the general mass of uncertain discontents and unascertained principles, will, I hope, for the sake of agreeing with those whom, I am sure, they love and respect among their own brethren, as well as for the sake of the kingdom at large, waive that idea (which I do not deny to be greatly provoked) of dissolving the Catholic body before the objects of its union are obtained, and turning the objects of their relief into a national quarrel. This, I am satisfied, on recollection, they will think not irrational. The course taken by the enemy often becomes a fair rule of action. You see, by the whole turn of the debate against them, that their adversaries endeavoured to give this colour to the contest, and to make

it hinge on this principle. The same policy cannot be good for you and your enemies. Sir George Shee, who is so good to take this, waits, or I should say more on this point. I should say something too of the colleges. I long much to hear how you go on. I have, however, said too much. If Grattan, by whom I wish the Catholics to be wholly advised, thinks differently from me, I wish the whole unsaid. You see, Lord Fitzwilliam sticks nobly to his text, and neither abandons his cause or his friends, though he has few indeed to support him. When you can, pray let me hear from you. Mrs. Burke and myself, in this lonely and disconsolate house, never cease to think of you as we ought to do. I send some prints to Dublin; but, as your house is not there, I reserve a memorial of my dear Richard for your return.

I am ever, my dear Sir,
Faithfully and affectionately,
Your miserable friend,
EDM. BURKE.

TO EDMUND MALONE, ESQ.[1]

MY DEAR SIR, Beconsfield, May 22nd, 1795.

It is very true that my business with the House of Lords is over for the present;[2] for they have, or a *rump* of them, done their own business pretty handsomely. Fuerunt. There is an end of that part of the constitution; nor can it be revived but by means that I tremble to think of.

That business, however, was not what hindered me from obeying your commands, and following my own inclinations, about our excellent deceased friend Sir Joshua Reynolds. Alas! my dear sir, all my business is with the deceased; and in truth, except for a poor remnant of gross animal functions, I am dead myself. However, I will do what I can. The more I thought upon that subject the more difficulty I found in it. The very qualities which made the society of our late friend so pleasant to all who knew him, are the very things that make it difficult to write his life, or to draw his character. The former part is peculiarly difficult, as it had little connexion with great public events, nor was it diversified with much change of fortune or much

[1] Just then engaged in editing the works of Sir Joshua Reynolds, to which he prefixed a Memoir.

[2] Alluding to the trial of Hastings.

private adventure, hardly, indeed, any adventure at all. All that I could say of him I have said already in that short sketch which I printed after his death. This speaks as much as I could safely venture to speak of him as an artist, not having skill enough to enter into details on the subject. What you are to say of the character, merely as the character of a man, must, to have any effect, consist rather of a few light marking touches than of a long discussion; unless it relates to some of those various and perplexed characters which require a long investigation to unfold. If, without materials, one is to attempt anything of length and elaborate, there is a great danger of growing into affectation. I do not know whether you have the sketch I drew. It has marks of the haste and the emotion under which it was done. But I believe you will find that a great deal more cannot be said. If, however (for different minds see things in different points of view), you should turn your thoughts that way, and sketch out anything, if I might presume to intrude myself into a work of yours, I would work upon that ground, and perhaps something better could be done by such combination than singly.

Lady Inchiquin[1] called here the other day; she is not anxious that the work should be published till the beginning of winter. I certainly will turn my thoughts to it; and if you could come to this melancholy place, I should feel myself much honoured and very happy in seeing you.

I have the honour to be, with most sincere respect and affection,

My dear Sir,
Your most obedient humble servant,
EDM. BURKE.

What a loss is Clifden![2]—Compliments to Mrs. Metcalf.

TO DR. LAURENCE.

MY DEAR LAURENCE, Bath, July 28, 1796.

I thank you for employing the short moment you were able to snatch from being useful, in being kind and compassionate. Here I am in the last retreat of hunted infirmity. I am indeed *aux abois:* but, as through the whole of a various and long life I have been more indebted than

[1] Niece of Sir Joshua Reynolds, formerly Miss Palmer.
[2] The residence of Lord Inchiquin, destroyed by fire.

thankful to Providence, so I am now singularly so, in being dismissed, as hitherto I appear to be, so gently from life, and sent to follow those who in course ought to have followed me, whom, I trust, I shall yet, in some inconceivable manner, see and know; and by whom I shall be seen and known. But enough of this.

However, as it is possible that my stay on this side of the grave may be yet shorter than I compute it, let me now beg to call to your recollection the solemn charge and trust I gave you on my departure from the public stage. I fancy I must make you the sole operator, in a work in which, even if I were enabled to undertake it, you must have been ever the assistance on which alone I could rely. Let not this cruel, daring, unexampled act of public corruption, guilt, and meanness go down to a posterity, perhaps as careless as the present race, without its due animadversion, which will be best found in its own acts and monuments. Let my endeavours to save the nation from that shame and guilt be my monument; the only one I ever will have. Let everything I have done, said, or written, be forgotten, but this. I have struggled with the great and the little on this point during the greater part of my active life; and I wish, after death, to have my defiance of the judgments of those who consider the dominion of the glorious empire given by an incomprehensible dispensation of the Divine Providence into our hands, as nothing more than an opportunity of gratifying, for the lowest of their purposes, the lowest of their passions—and that for such poor rewards and, for the most part, indirect and silly bribes, as indicate even more the folly than the corruption of these infamous and contemptible wretches. I blame myself exceedingly for not having employed the last year in this work, and beg forgiveness of God for such a neglect. I had strength enough for it, if I had not wasted some of it in compromising grief with drowsiness and forgetfulness; and employing some of the moments in which I have been roused to mental exertion in feeble endeavours to rescue this dull and thoughtless people from the punishments which their neglect and stupidity will bring upon them for their systematic iniquity and oppression. But you are made to continue all that is good of me; and to augment it with the various resources of a mind fertile in virtues, and cultivated with every sort of talent and of knowledge. Above all make

out the cruelty of this pretended acquittal, but in reality this barbarous and inhuman condemnation of whole tribes and nations, and of all the classes they contain. If ever Europe recovers its civilization, that work will be useful. Remember! Remember! Remember!

It is not that I want you to sacrifice yourself blindly and unfruitfully, at this instant. But there will be a season for the appearance of such a record; and it ought to be in store for that season. Get everything that Troward has.

Your kindness will make you wish to hear more particulars of me. To compare my state with that of the three first days after my arrival, I feel on the whole less uneasiness. But my flesh is wasted in a manner which in so short a time no one could imagine. My limbs look about to find the rags that cover them. My strength is declined in the full proportion; and at my time of life new flesh is never supplied, and lost strength is never recovered. If God has anything to do for me here, here he will keep me. If not, I am tolerably resigned to His divine pleasure. I have not been yet more than a day in condition to drink the waters—but they seem rather to compose than to disorder my stomach. My illness has not suffered Mrs. Burke to profit as she ought of this situation. But she will bathe to-night. Give Woodford a thousand kind remembrances. Please God, I shall write to him to-morrow. Adieu.

Your ever true friend,

EDMUND BURKE.

Mrs. Burke never forgets you, nor what remains of poor William.

TO DR. LAURENCE.

Friday night, 10 o'clock,

MY DEAR LAURENCE, 18th Nov. 1796.

I have been out of sorts for several days past, but have not been so much weakened by that circumstance as I might have feared. I do n't desire long letters from you, but, I confess, I wish a line now and then, I mean very near literally, a *line*. The present state of things, both here and in Ireland, as well as abroad, seems to me to grow every moment more critical. In Ireland it is plain they have thrown off all sort of political management, and even the

decorous appearance of it. They had for their commander-in-chief Cuninghame, a person utterly unacquainted with military affairs beyond what was necessary for a quarter-master-general in a peaceable country. He had never seen war, hardly in any image, but he was a man of a moderate and humane disposition, and one from whom no acts of atrocity were to be apprehended. In order to remove him from the command of the army, they have made him a peer. This was a step to the appointment of * * * * *, to the full as little experienced in any real military service as * * * * *, but younger and of far different dispositions. In case of an actual invasion, they could not expect anything whatsoever from his military skill or talents. They only proof they had of either has been in his desperate promptitude, without either civil, criminal, or martial law, to seize upon poor ploughmen in their cottages, and to send them bound where he thought fit. By what he is capable of, and by what he is incapable, they show in what manner it is they mean to provide for the military defence and for the civil tranquillity and happiness of Ireland. They have fomented a spirit of discord upon principle in that unhappy country. They have set the Protestants, in the only part of the country in which the Protestants have any degree of strength, to massacre the Catholics. The consequence will be this, if it is not the case already, that instead of dividing these two factions, the Catholics, finding themselves outlawed by their government, which has not only employed the arm of abused authority against them, but the violence of lawless insurrection, will use the only means that is left for their protection in a league with those persons who have been encouraged to fall upon them, and who are as well disposed to rebel against all government, as to persecute their unoffending fellow-citizens. The parliament, encouraged by the Lord-Lieutenant's Secretary, has refused so much as to inquire into these troubles. The only appearance of any inquiry which has been, is that put into the hands of a person, I mean the Attorney-General, one of the avowed enemies and persecutors of the suffering people, and in the closest connexion with them. I see that the affections of the people are not so much as looked to, as any one of the resources for the defence of Ireland against the invasion which the enemy will make upon that country, if

they have force enough to do it consistently with their other views; but, I confess, that from the least reflection I am able to make in the intervals of pain and sorrow, I do not think that the invasion of either of these countries is a primary object in their present plan of policy—their views seem to me to be directed elsewhere, and their object is, to disable this country from any effectual resistance to them, by alarming us with fears for our domestic safety. They have gained their ends completely. The arrangements which we have made and are making in both kingdoms for that safety provide for it in the worst possible manner, whilst they effectually disable us from opposing the enemy upon his larger and real plan of attack. We oppose to his *false* attack the whole of our *real* strength. I have long doubted of the use of a militia, constituted as our militia is; because I do not like in time of war any permanent body of regular troops in so considerable a number as perhaps to equal the whole of our other force, when it is only applicable to one, and that but a very uncertain, part of the demands of general service. Whether I am right or wrong may be a question with persons better informed than I am, but it has been my opinion at least these twenty years. If I did not declare it in parliament, it was because the prejudice was too strong to be prudently resisted; but when danger comes, strong prejudices will be found weak resources.

Whatever the merits of militia may be, I am sure that no prudent persons with whom I have ever conversed have been of opinion that it ought to be extended beyond the old number. Other ideas however have prevailed. The infant resources of Ireland have been exhausted by establishing a militia there, upon the feeble plan of the militia *here*, and with consequences much more justly to be apprehended from an abuse of that institution. Whether with regard to the economical and civil effects on the military, they have now in both kingdoms added immensely to that erroneous establishment, if erroneous it is, and have thereby doubled the weakness instead of augmenting the strength of these kingdoms. I believe it will be found, that in both countries there is, by personal service or by public charge, the burthen of an army forming or formed of at least fourscore thousand men, utterly unapplicable to the general service of the country, or to the

conservation of what I shall ever think as much for its being as self-defence itself, I mean the safety and liberty of Europe. The very idea of active defence, the only sure defence, which consists in offensive operations against your enemy, seems wholly to be abandoned.

I know it will be said that these corps do not bring upon the nation the burthen of half pay. This is true but in part, and in my opinion, if war should continue, it will become less and less of an object. At any rate it will be found as economy a very poor resource to make out such a saving by the limitation of effect and service.

I do not mean to say that such little aids to the police as by an occasional use of a yeoman cavalry, which is in the nature Marachausée, is much to be condemned. If the service is not much, the charge is not ruinous, and our military arm is not crippled. In my opinion, the expense of these arrangements would furnish such a subsidy to Russia, as would enable that power to act with such a body of troops against the common enemy, as to do more for our real defence than from any home arrangements that we can make. I have said enough upon this subject, though by no means all that is in my mind; but if you agree with me in principle, your own thoughts will more than supply my omissions.

I have suffered great uneasiness from another scheme, the tendency of which evidently is (though I am of opinion nothing less is intended) totally to disgust the people with the continuance of this war—I mean that part of the people upon whose soundness and spirit the very being of civil society at this time depends, that is, that part of the people who live with a degree of decency upon an income not likely to improve. They are the part of the community which are naturally attached to stability and to the resistance of innovation, but are not qualified to afford pecuniary resources to the State. They may serve to furnish a contingent in the way of taxes which is to be supplied as their income accrues, or as their economy finds supply, but they have no hoards, and if you apply to them for a forced loan, you drive them into the toils of the usurers, who will disable them from paying what they are already charged to the support of the State. Sure it were better to borrow directly at a high interest, that is, at the interest of the public necessities, and

to lay upon those men their share of it, than to take this perplexed circuitous course, which, in the end, will weaken public credit by destroying most of the private credit of the kingdom.

I was going further, when my friendly amanuensis reminded me that it is near 10 o'clock. I am afraid I have tired you, though I tire myself somewhat less by dictating a sheet than by writing twenty lines; however, one is more wordy when one dictates. I intended, if I had time, to tell you that Keogh is come to London, and to wish to have yours and Lord Fitzwilliam's, as well as Mr. Windham's, thoughts upon the subject of his journey, when I know better of what nature it may be. He shows a very great desire of seeing me and conversing with me upon the subject of Ireland. I have fought it off by giving him very true reasons, that is to say, my feeble state of health, and the *contempt* that is entertained for my opinions, especially in what relates to Ireland. —He tells me he has not been with any minister. He is a man that on the whole I think ought not to be slighted, though he is but too much disposed to Jacobin principles and connexions in his own nature, and is a Catholic only in name—not but that whole body, contrary to its nature, has been driven by art and policy into Jacobinism, in order to form a pretext to multiply the jobs and to increase the power of that foolish and profligate junto to which Ireland is delivered over as a farm. I shall let you know further about Keogh when I hear from him; and I shall send to Lord Fitzwilliam his letters to me, as well as a copy of my answer to him. I shall send you another copy. Good night.

Yours ever,

EDMUND BURKE.

TO DR. LAURENCE.

MY DEAR LAURENCE, Beaconsfield, 25th Nov. 1796.

I have heard at last from Mr. Keogh: by his letter, which I enclose, you see the cause of his delay. He is not offended, but he says not one word of Tone his secretary, but probably reserves an explanation of this for conversation. As it will be of much more importance that you should hear

what he has to say, than that I should, I think to write to him by this night's post to call upon you, or if his health should not permit it, that you would call upon him at your first time of leisure. I intend to tell him, that weak as I am I shall see him if he pleases.—Not a word from Lord Fitzwilliam, which I am rather surprised at, knowing that in general he is punctual, and that these affairs are very near his heart.—What you say about the pope is very striking, but he and his Troy will be burned to ashes, and I assure all good Protestants that, whatever they may think of it, the thread of their life is close twisted into that of their great enemy. It is perfectly ridiculous, in the midst of our melancholy situation, to see us forswearing this same pope lustily in every part of these dominions, and making absolute war upon him in Ireland at the hazard of everything that is dear to us, whilst the enemy, from whom we have most to fear, is doing the same thing with more effect and less hazard to themselves. For we are cutting our own throats in order to be revenged of this said old pope. It is very singular, that the power which menaces the world should produce in us no other marks of terror than by a display of meanness, and that this poor old bugbear, who frightens nobody else, and who is affrighted by everybody and everything, is to us the great object of terror, of precaution, and of vigorous attack.—You remember the fable of the Hare and the Frogs. On this point, I verily begin to believe that Mr. Pitt is stark mad; but that he is in the *cold* fit of this phrenetic fever. I agree with you, and it was long the opinion of our dear departed friend, that Mr. Pitt, keeping an underhand and direct influence in Ireland to screen himself from all responsibility, does resolve on the actual dissolution of the empire; and having settled for himself, as he thinks, a faction there, puts everything into the hands of that faction, and leaves the monarchy and the superintendency of Great Britain to shift for themselves as they may.

Mrs. Burke passed but a bad day yesterday, with much bilious vomiting and a head-ache, but the latter is gone and she has had a very quiet night, though not much sleep; and, though not up, is light and easy.—As to myself, I have had four fits in the night, and several yesterday. Between the

fits, both in the afternoon and at night, I had rest enough.—I send you this by the coach, and am affectionately

Yours,

EDMUND BURKE.

TO DR. LAURENCE.

Beaconsfield, Wednesday Morning, 11 o'clock,
MY DEAR LAURENCE, Nov., 1796.

I have had a bad night, and am very faint and feeble. I do not know where the abstract you mention is in the chaos of my papers, but if I get a little stronger this day I shall look for it; but I send you the printed papers, which Nagle has just found. You know that the far greater and the most oppressive part of those laws has been repealed. The only remaining grievance which the Catholics suffer from the *law* consists in certain incapacities relative to *franchises.* The ill-will of the governing powers is their great grievance, who do not suffer them to have the benefit of those capacities to which they are restored, nominally, by the law. The franchises which they desire are to remove the stigma from them which is not branded on any description whatever of dissenters in Ireland, who take no test and are subject to no incapacity; though they [are] of the old long-established religion of the country, and who cannot be accused of perverseness or any factious purpose in their opinions, since they remain only where they have always been, and are the far greater majority of the inhabitants. They give as good proofs of their loyalty and affection to Government at least as any other people. Tests have been contrived for them to purge them from any suspicious political principles, supposed to have some connexion with their religion. These tests they take; whereas the persons called Protestants, which Protestantism, as things stand, is no description of a religion at all, or of any principle, religious, moral, or political, but is a mere negation, take no tests at all. So that here is a persecution, as far as it goes, of the only people in Ireland who make any positive profession of the Christian faith; for even the clergy of the established church do not sign the thirty-nine articles. The heavy load that lies upon them is, that they are treated like enemies, and as long as they are under

any incapacities, their persecutors are furnished with a legal pretence of scourging them upon all occasions, and they never fail to make use of it. If this stigma were taken off, and that, like their other fellow-citizens, they were to be judged by their conduct, it would go a great way in giving quiet to the country. The fear that if they had capacities to sit in parliament they might become the majority and persecute in their turn, is a most impudent and flagitious pretence, which those who make use of it know to be false. They could not at this day get *three* members out of the *three hundred*, and never can have the least probability from circumstances of becoming the tenth part of the representatives, even though the boroughs made in the time of James I. for the destruction of the then natural interests of the country should be reformed upon any plan which has as yet been proposed, because the natural interests have been varied and the property changed since the time of King James I. At present the chief oppression consists in the abuse which is made by the powers of executive government, which may more effectually harass an obnoxious people than even adverse laws themselves. I do not know whether you are apprized of all the proceedings in the county of Armagh, particularly of the massacres that have been perpetrated on the Catholic inhabitants of that county, with no punishment and hardly any discountenance of Government. All this, however, is a matter of very nice handling in a British parliament, on account of the jealous independence of that county. Neither the court nor the opposition party I am afraid would relish it, especially as they pretend or may pretend that the subject is to become a matter of their own inquiry. I have written my mind fully upon this subject to Lord Fitzwilliam, but I have had yet no answer, nor, indeed, hardly could. The Jacobin opposition take this up to promote sedition in Ireland; and the Jacobin ministry will make use of it to countenance tyranny in the same place.

As to George Ellis and Lord Malmsbury, the Jupiter and his Mercury, I do n't care whether they are in the clouds or in the dung; but one thing I see very clearly, that nothing above or below will prevent the ministers from going through their dirty work. What has been written as argument or observation has had no answer, but it makes no impression,

unless perhaps to confirm some people in the obstinacy of their meanness. Do you know that Mr. Crewe has wrote that the * * * * perfectly approves everything in the Pamphlet, and yet he has done everything or concurred in everything in diametrical opposition to his principles. He will do so, in everything that can be proposed of the same nature. What think you of their finding no one but General Luttrell to whom the safety of Ireland could be committed at this crisis. All this must have passed through the Duke of Portland, who thinks one way, and who acts or is acted upon in the direct contrary way. I am very sick of all these things. As you know Keogh, I think there is no objection to your seeing him, if you can contrive it. I do not know how you approve my answer to him, but I am sure he does not, by making no sort of reply to me.

You will write to Mr. Wilde, and let him know that I have been very ill from time to time, and that you have informed me of his inquiry, and that I am much obliged to him for his solicitude about me. The terms prescribed by the thieves of the Directory to the pope are what might be expected. He cannot help it, being intrinsically weak in himself, and we have refused to put him in a better condition, for fear of the statute of Premunire; and our fleet has thought proper to fly out of the Mediterranean, and to evacuate all the strongholds we had in that part of the world. I think [we make] a more * * * figure than the pope. In proportion to the strength of body which is enervated by meanness of spirit—" Oh, impotence of mind in body strong."—The parcel waits—God bless you.

If you can [get] Bollingbrooke's Abridgement of the Irish Statutes, which is extremely well done, you will see the materials upon which I went in the abstract of the old Popery Laws, which I gave to the Duke of Portland on his going Lord L—— to Ireland. My poor Richard had a complete copy, which he put into the hands of the committee, with such alterations and additions as they thought proper.

Adieu.—Mrs. Burke has had a bad night, as well as myself. Doctor Brocklesby has been here and is gone. Parochial news we have none.

Yours ever,

EDMUND BURKE.

TO DR. LAURENCE.

My dear Laurence, Dec. 9, 1796.

The Budget day was a matter of great speculation, Pitt rather less insolent—Fox as furious as I expected. Grey has come forward and taken a sort of lead—Sheridan heads, I suppose, a corps de reserve. Tell me in three lines your remarks upon the general temper of the House on that night and on this. A fine business this of La Fayette Good God! among all the imprisonments, confiscations, murders, and exiles, to find no one object for a British House of Commons to take up but Citizen de la Fayette I see Fox proposes the repeal of the two Anti-Jacobin Acts —What do you think of making your debût upon them? Lord Fitzwilliam concurred in them Unless perhaps you think that that ground is a little worn out. I think the taxes on the whole, if likely to be productive, are unexceptionable—The house-tax is the worst. Why did not Pitt tax the lower teas?—a small duty would not have been felt, and surely tea-drinking, though it would be idle to restrain it, is not an object of direct encouragement amongst the lower orders of the people. Good night. My [pains] have raged all yesterday, all last night, and a great part of this day with tenfold fury, but a vomiting came on me, and I am a good deal easier this evening Once more adieu Mrs Burke's affectionate compliments. I wrote to you by the coach yesterday.

Yours ever,
Edmund Burke

TO DR. LAURENCE.

My dear Laurence, Bath, Feb. 10th, 1797.

I have been very weak for some days past, and so giddy that I am hardly able to walk across the room. At the first coming on of this bad symptom I was not able to do so much—so that I am not without hopes that it may go off, though, take me on the whole, I am without all comparison worse than when I came hither, but yet the violent flatus's have not been quite so troublesome to me since the complaint in my head is come on. They have taken the

town, and are now attacking the citadel—But enough of this. The affair of Mrs. Hastings has something in it that might move a third Cato to a horse-laugh, though the means, I am afraid, by which she and her paramour have made that and all the sums which they have got by their own dishonesty, or lost by the dishonesty of others or the confusion of the times, [might cause] the laughing Democritus to weep as much as his opponent: but let whoever laugh or weep, nothing plaintive will make Mr. Pitt or Mr. Dundas blush for having rewarded the criminal whom they prosecuted, and sent me and nineteen members of parliament to prosecute, for every mode of peculation and oppression, with a greater sum of money than ever yet was paid to any one British subject, except the Duke of Marlbro', for the most acknowledged public services, and not to him if you take Blenheim, which was an expense and not a charge, out of the account. All this and ten times more will not hinder them from adding the peerage, to make up the insufficiency of his pecuniary rewards. My illness, which came the more heavily and suddenly upon me by this flagitious act, whilst I was preparing a representation upon it, has hindered me, as you know, from doing justice to that act, to Mr. Hastings, to myself, to the House of Lords, to the House of Commons, and to the unhappy people of India, on that subject. It has made me leave the letters that I was writing to my Lord Chancellor and Mr. Dundas, as well as my petition to the House of Commons, unfinished. But you remember, likewise, that when I came hither at the beginning of last summer, I repeated to you that dying request which I now reiterate, that if at any time, without the danger of ruin to yourself, or over-distracting you from your professional and parliamentary duties, you can place in a short point of view, and support by the documents in print and writing which exist with me, or with Mr. Troward, or yourself, the general merits of this transaction, you will erect a cenotaph most grateful to my shade, and will clear my memory from that load which the East India Company, King, Lords, and Commons, and in a manner the whole British nation (God forgive them), have been pleased to lay as a monument upon my ashes. I am as conscious as any person can be of the little value of the good or evil opinion of mankind to the

part of me that shall remain, but I believe it is of some moment not to leave the fame of an evil example, of the expenditure of fourteen years' labour, and of not less (taking the expense of the suit, and the costs paid to Mr. Hastings, and the parliamentary charges) than near £300,000, This is a terrible example, and it is not acquittance at all to a public man, who, with all the means of undeceiving himself if he was wrong, has thus with such incredible pains, both of himself and others, persevered in the persecution of innocence and merit. It is, I say, no excuse at all to urge in his apology, that he has had enthusiastic good intentions. In reality, you know that I am no enthusiast, but [according] to the powers that God has given me, a sober and reflecting man. I have not even the other very bad excuse, of acting from personal resentment, or from the sense of private injury—never having received any; nor can I plead ignorance, no man ever having taken more pains to be informed. Therefore *I* say, *Remember*.

Parliament is shortly to resume the broken thread of its business—if what it is doing deserves that name. I feel the same anxiety for your success as if what has been the best part of me was in your place, and engaged as he would have been in the same work, and I presume to take the same liberty with you that I would have done with him. The plan you have formed, like all the plans of such comprehensive minds as yours, is vast, but it will require all the skill of a mind as judicious and selecting as yours to bring it within the compass of the apprehensions and dispositions of those upon whom it is to operate. There would be difficulty in giving to it its just extent in the very opening, if you could count even upon one person able and willing to support you; but as you will be attacked by one side of the House with all its force, reluctantly heard and totally abandoned by the other, if you are permitted any reply at all, a thing which under similar circumstances has been refused to me, it will not be heard by the exhausted attention of that House, which is hardly to be kept alive, except to what concerns the factious interests of the two discordant chiefs, who with different personal views, but on the same political principles, divide and distract the nation. But all this I must leave to your judgment, which, with less parlia-

mentary experience, has infinitely more natural power than mine ever had, when it was at the best. This only I shall beg leave to suggest, that if it should be impossible (as perhaps it may be) to bring your opening speech within any narrow compass, such as two hours or thereabouts, that you will make your reply as sharp, and pointed at the personal attacks that I am sure will be made upon you, as you can; and that you will content yourself with reässerting the substance of the facts, declaring your readiness to enter into them if ever you are furnished with the means. I have no doubt that in the course of the debate, or in this session, you will find opportunities to bring forth what your discretion may reserve on the present occasion for a future one, when you may be at more liberty. Though I am sensible enough of the difficulty of finding a place in debate for any of those who are not arranged in the line of battle, abreast or ahead, in support of the one or the other of the great admirals. My dear friend, you will have the goodness to excuse the interposition of an exhausted and sickly judgment like mine, at its best infirm, with a mind like yours, the most robust that ever was made, and in the vigour of its faculties; but allowance is made for the anxious solicitude of those whom sex, age, or debility exclude from a share in those combats in which they take a deep concern.

Yours ever,

EDMUND BURKE.

12th February.

P. S. My health continues as it was when I began this letter. — I have read Erskine's pamphlet, which is better done than I expected to find it. But it is little more than a digest of the old matter, and a proposal to remove all our evils by a universal popular representation at home, by giving to France at once all that we have thought proper to offer, on supposition of concession, and all that she has chosen to demand without any regard to our concession, together with a cordial connexion with her and a total alienation from other powers, as a pledge of future peace. This, together with bringing Mr. Fox into power, forms the whole of the pamphlet. This would certainly make short work of the treaty.—This pamphlet does not make your motion the less necessary, and without a reference to it you may keep it in

your eye.—Mrs. Burke, thank God, is better of her cold: She salutes you.

Dear Sir,

I have suppressed the newspapers—He knows nothing of this disagreeable business; but I am in hopes, from Dr. King's letter to me, that an injunction will be laid early to-morrow, to prevent the sale, and that you all will pursue such rigorous measures against Swift and Owen, as the law will enable you to do. I had a letter by the coach, informing me of it. Will you beg of Doctor King to write to Mr. Burke to-morrow, and tell him what he has done in Rivington's business.

Yours truly,

E. Nagle.

TO DR. LAURENCE.

My dear Laurence, March 16th, 1797.

It is very unlucky that the reputation of a speaker in the House of Commons depends far less on what he says there, than on the account of it in the newspapers. Your speeches, which are made late in the night, supposing no foul play (which however I suspect), are taken by the journeymen note-makers, and when there is not room for them in the paper, even if they were able to follow you. In the late instance, however, this was unavoidable, since you spoke to vindicate the reputation of your friend, which no consideration of prudence with regard to yourself could prevail on you to omit. As you stated [it] in your letter, it must have been very impressive, and as honourable to your abilities as it was to the goodness of your heart. As to Mr. Fox's speeches, he seemed to have laid [aside] his abilities along with all decency, liberality, and fairness; and placed himself in the rank of the Adairs, the Bastards, and those gentlemen whose cause he supported, and to whose understandings, "by an extraordinary alacrity in sinking," he chose to level himself. What he said of me was nothing more than his old song, frequently sung, though with a little more liberality in my own presence, and always responded to without a possibility of reply. The major part of his topics have been answered by me in print, and the public must

judge between us; but there is one fact, which, as it passed fifteen years ago, most people may not so well remember; though that, too, I discussed with him in the House of Commons without a reply, or the possibility of his making any. He has the impudence to say that the reduction of places that I made was not sufficient, and that more would have been made in Lord Rockingham's and his administration, if time had been given to them for that purpose. Both are absolutely false;—in the first place, any lessening of the reduction proposed in my original plan and that which appeared in the Act was not of my doing, but of his own and the cabinet to which he belonged; and I was no way consulted about it, though I certainly acquiesced in it, and, on the whole, thought it sufficient. In the next place, I do solemnly declare that I never heard him, nor anybody else of that cabinet, propose any reduction of offices, but of the two, were of opinion that the matter had been carried too far, rather than that it had fallen short of their mark. They must have thought that it did not fall short, because they knew very well that they never could have had an opportunity so favourable for reduction as during the dependence of that bill, and in the flood-tide of its popularity. Mr. Fox now thinks that neither this, nor the Pay Office Bill, nor the Contractors' Bill, which, though moved by another, was left wholly to my management, as it was originally schemed by myself, nor of Mr. Dowdeswel's and my plan, to his and our honour adopted by Mr. Crewe, were of the least significance in lessening the influence of the Crown in that House, and in the other, or in the Scotch election for peers by the abrogation of the Scotch Lords of Police. I know he told me, and that to the best of my recollection in the presence of others, that the Acts which he now finds to be so very frivolous were the means of turning out Lord Lansdowne, and that he had lost his question in the same number of votes as the places that had been suppressed. As to those that had been retained, he perfectly agreed with me both in the policy and the justice of retaining them, considering them, as I did, as right in themselves; and with regard to the holders in possession or reversion, as property, to all intents and purposes. I cannot say exactly in what form Mr. Rose put the recriminatory charge which he made on Mr. Fox with regard to the places

of that kind which Mr. Fox had held and disposed of. Mr. Fox's reply seems to indicate that he was charged with squandering away their income and value. If so, his reply was proper, because the charge was unparliamentary, and not at all to the purpose in argument. But if it was urged, as it ought to have been, that Mr. Fox had himself considered those places his property, as an argument ad hominem, it would have been conclusive against him. For if he sold that as property which was not such, by his own admission he was guilty of a fraud. But it were an endless task to go through all the nonsense and ribaldry which he chose to vent upon that occasion. As to his arguing for a change of his opinions from the greater burthens which now exist on the public, 't is perfectly absurd — First, because injustice is not less injustice, though it may admit some palliation on account of the necessities of those who are guilty of it; and next, because those remnants of remnants of savings, which Mr. Windham has so justly ridiculed, become more and more contemptible according to their disproportion to the weight of the charge which they are brought to counterpoise. He has used another argument which seems to have more weight, which is, that it may be necessary for maintaining the character and credit of the opposition; but at a miserably low ebb is that character and credit which is obliged to have recourse to such frauds and impostures. Mr. Pitt was very wrong in giving to them the countenance he had given, and which, after the able speech he had made, was no proper conclusion to be drawn from his arguments. Mr. Windham, in my opinion, even from what I see in the papers, never made a more able and eloquent speech. I particularly admire the manly tone of scorn with which he treated the miserable imposture of the motion. I thank him heartily for his speech, and subscribe an unfeigned assent and consent to all the articles of his creed. I forgot to say a word about fees, which it seems is one of the articles of charge against Mr. Windham's office. Whether they be exorbitant or not is more than I can judge, but that they are profitable to the officer is no objection, provided they are not onerous to the public, or oppressive to those that pay them. This was so much my principle upon the reform, that I carefully reserved the fees to the Pay Office; but in the progress of the

bill I was absolutely forced by the frauds of Colonel Barré, acting on the principles of Lord Shelburn, who attributed every sort of public evil to fees, in a famous speech of his, and by the unparalleled treachery of our own party I was beat out of my plan, and compelled, whether I would or not, to bring from that abolition a charge of £6000 a year, or rather more, upon the public, for the official expenses which before had cost nothing, except for the Paymaster's salary and some other salaries, which latter were insignificant. Whether the office has been impaired in its diligence and its spirit of accommodation from that time is more than I can positively say, but I believe that it has. I am sorry to have troubled you so much on these matters, but as they relate to facts which may not be so generally known, I wish you not to throw away this letter. I have no objection to your showing it to anybody, but do not desire it to be shown to any one but Lord Fitzwilliam and Mr. Windham. As to you, "Macte esto virtute tua"—do n't be discouraged from taking the independent line, which makes you vote with different men, but always upon the same principle, and not like these vile and most abject wretches who compose the armed neutrality; who, if they were not the most contemptible of the human race, would be the most odious. Thank God, you have but one political friendship to attend to, and in that you will never find any clashing with public principle.—As you are still solicitous about my health, I am to tell you that to-day has been one of my best days; and though I can't walk without an arm, I have moved about a good deal, at least a good deal for me. Flesh as before. Adieu.

Yours ever, E. B.

P. S. Will the gentlemen do anything in my affair with Owen—or have they given it up? If they have given it up, why is it so?

TO DR. LAURENCE.

Bath, 11th April, 1797,
5 o'clock.

My dear Laurence,

This terrible war on the continent has come to a crisis. Whether our pacific war is come to *its* terrible crisis is a matter of great doubt; but unless God interposes in some

signal way, it must terminate in a peace which, like Scylla, has a thousand barking monsters of a thousand wars in its womb. God preserve us from such peace and such wars. As for himself, Windham is perfectly in the right to be governed by circumstances; but as for you, who act with no party and are in no office, your own honour and your personal reputation are the sole circumstances by which you are to be guided.—Therefore profit of the first opening. If the emperor's defection is solely owing to the bad state of his own affairs, than which nothing I admit can appear worse, we have much to lament and nothing to blame; but if the spirit of the debates in the English parliament have tended to bring on despair, or if our want of a supply to his necessities has crippled his armaments, then we have at once to lament and to blame. However, there is the hand of God in this business, and there is an end of the system of Europe, taking in laws, manners, religion, and politics, in which I delighted so much. My poor son was called off in time—"ne quid tale videret."

I understand that Ellis spoke handsomely of me, for which I thank him; and do you so too, through yourself or any medium you can find. As to Windham, he never fails, but of this there is not a word; by our paper I should have thought he had not spoken: but it is no matter—all our plans are defeated by the settlement which the peace will make of the French system in the West Indies. Mr. Huddlestone's letter is very obliging, but I really wish him to keep all his sentiments concealed until he can get into the direction. Tell him that this is my opinion, and that then perhaps he may steal some little good; for we, who had for fourteen years struggled to do more, have been miserably defeated, if not with our own, yet with the national disgrace.

I wrote to Mr. Troward, and wonder you have not seen him. You had better call on him, as he lies directly in your way. Pray let me hear from you as often as you can, though it were but by a line. Your coming hither must be very inconvenient to you, and where is the use of your seeing me in the body of this death. In truth, I suffer very little pain, but I gain no strength at all. If I find any difference, it is that my little strength declines. Adieu. God bless you.

Yours ever, E. B.

TO DR. LAURENCE.

MY DEAR LAURENCE, Bath, 12th May, 1797.

The times are so deplorable, that I do not know how to write about them. Indeed I can hardly bear to think of them. In the selection of these mischiefs, those which have the most recently oppressed and overpowered, rather than exercised, the shattered remains of my understanding, are those of the navy and those of Ireland. As to the first, I shall say nothing, except this, that you must remember from the moment the true genius of this French revolution began to dawn upon my mind, I comprehended what it would be in its meridian; and that I have often said, that I should dread more from one or two maritime provinces in France, in which the spirit and principles of that revolution were established, than from the old French monarchy possessed of all that its ambition ever aspired to obtain; that we should begin to be infected in the first Nidus and hot-bed of their infection, the subordinate parts of our military force, and that I should not be surprised at seeing a French convoyed by a British navy to an attack upon this kingdom. I think you must remember the thing and the phrase. I trust in God that these mutineers may not as yet have imbrued their hands deeply in blood. If they have, we must expect the worst that can happen. Alas! for the mischiefs that are done by the newspapers, and by the imbecility of the ministers, who neither refuse nor modify any concession, nor execute with promptitude the resolutions they take through fear; but are hesitating and backward, even in their measures of retreat and flight: in truth, they know nothing of the manœuvre either in advance or retreat.

The other affair, hardly less perplexing, nor much less instantly urging, is that of Ireland.

Mr. Baldwin was here, and he spoke something, though indistinctly and confusedly, of a strong desire that he supposed the Duke of Portland to have for a reconciliation with Lord Fitzwilliam. Whether this is mere loose talk, such as I have uniformly heard from the day of the fatal rupture, is more than I know. My answer was, that while the cause of this calamitous rupture was yet in its operation, I had done

everything which a man like me could do to prevent it and its effects, but that now the question was not what should reconcile the Duke to Lord F., but what would reconcile Ireland to England. This was very near the whole of our conversation. You know he does not see very far, nor combine very much. I have had a hint from another quarter, not indeed very direct, to know whether it was my opinion that a concession to the Irish Catholics would quiet that country. To this I have given no answer, because at this moment I am utterly incapable of giving any, the least distinct. Three months ago, perhaps even two months ago, I can say with confidence, notwithstanding the hand from which it would be offered, it would have prevented the discontents from running into one mass; even if the compliance had been decently evaded, and future hopes held out, I think these mischiefs would not have happened; but instead of this, every measure has been used that could possibly tend to irritation. The rejection of the Memorial was abrupt, final, and without any temperament whatsoever. The speeches in the House of Lords in Ireland were in the same strain; and in the House of Commons, the ministers put forward a wretched brawler, one Duigenan, of your profession, to attack Mr. Fox, though they knew that, as a British member of parliament, he was by them invulnerable; but their great object was to get him to rail at the whole body of Catholics and Dissenters in Ireland in the most foul and unmeasured language. This brought on, as they might well have expected, from Mr. Grattan one of the most animated philippics which he ever yet delivered, against their government and parliament.

It was a speech the best calculated that could be conceived further to inflame the irritation which the Castle-brawler's long harangue must necessarily have produced. As to Mr. Fox, he had all the honour of the day, because the invective against him was stupid, and from a man of no authority or weight whatsoever; and the panegyric which was opposed to it was full of eloquence, and from a great name. The Attorney-General in wishing the motion withdrawn, as I understand, did by no means discountenance the principle upon which it was made, nor disown the attack which was made, in a manner, upon the whole people of Ireland. The Soli-

citor-General went the full length of supporting it. Instead of endeavouring to widen the narrow bottom upon which they stand, they make it their policy to render it every day more narrow. In the parliament of Great Britain, Lord Grenville's speech turned the loyalty of the Catholics against themselves. He argued, from that zeal and loyalty they manifested, their want of a sense of any grievance. This speech, though probably well intended, was the most indiscreet and mischievous of the whole. People do not like to be put into practical dilemmas. If the people are turbulent and riotous, nothing is to be done for them, on account of their evil dispositions. If they are obedient and loyal, nothing is to be done for them, because their being quiet and contented is a proof that they feel no grievance. I know that this declaration has had its natural effect, and that in several places the Catholics think themselves called upon to deny the inference made by ministers from their good conduct. It seems to them a great insult to convert their resolution to support the king's government into an approbation of the conduct of those who make it the foundation of their credit and authority that they are the enemies of their description.

I send you two extracts of letters, for Lord Fitzwilliam's and your information, from intelligent and well-informed people in Cork; * and one of them from a gentleman of much

* *Extract of a Letter from Cork; dated May 3rd,* 1797.

. . . "As to the affairs of this country, I neither know what to say or think of them; but this I am sorry to be able to assure you of, that there is a very great and general change in the minds of the people here, brought about within a short period. No more of that enthusiasm of loyalty and detestation of French principles, which prevailed so much on the late alarms. It is now '*The English minister and government detest poor Ireland, and would set us to cutting one another's throats, as they have done in the North,' &c. &c.* In short, such is the language spoken by every man almost you meet, and a great deal worse. Government's ingratitude, in an absolute refusal of any further boon to the Catholics, has roused the resentment of the quietest spirits; and the severe punishments inflicted in some places on the militia, for going to mass, instead of the Protestant church, is surely, not to give it a worse appellation, impolitic in the extreme."

Extract of a Letter from Cork; dated May 4th, 1797.

"By the Dublin papers you will see what is going on there. We can expect no remedy from a wretched junto, who are involving their

consideration and influence in that place. These will let you see the effect of that conduct which tends to unite all descriptions of persons in the South, in the same spirit of discontent and in the same bonds of sedition with those of the North. As far as I can find, no part of the army in Ireland is yet tainted with the general spirit; but under a general discontent it is impossible it should long continue sound; and even if it did, it is as impossible that such a country can be ruled by a military government, even if there were no enemy abroad to take advantage of that miserable state of things.

Now suffer me to throw down to you my thoughts of what might be expected under the existing circumstances, from the mere grant of an Act of Parliament for a total emancipation This measure I hold to be a fundamental part in any plan for quieting that country and reconciling it to this; but you are well aware, that this measure, like every other measure of the kind, must depend on the manner in which it is done, the persons who do it, and the skill and judgment with which the whole is conducted. And first, my clear opinion is, that as long as the present junto continue to govern Ireland, such a measure into which they must manifestly appear to

country in certain ruin. A letter from a man in government (whom I cannot mention) to his friend here laments the infatuation of what he calls the *interior cabinet*, to which he of the *exterior* has no access. The great turnings out there give us some hopes of their filling up the measure of their iniquities before it is too late to save us. That *interior* cabinet must have choked up every channel of communication to the king, or we never could be abandoned to the situation we are now in. The swearing has reached to Carberry; and it is said to have got into Blackpool, which is known to be the most Protestant suburb of this city. Roger O'Connor was obliged to fly for his apostleship, and his steward would have been probably convicted at the assizes, had he not put off his trial. The minds of men are much changed since Christmas. The golden opportunity was lost to government, of assuming the whole merit of granting what is certainly but a small boon.

"It must come in spite of ascendancy, with many other reforms through every department, otherwise the foundation will be undermined. The tithe folks are hard at work to increase them, and as overbearing as ever. It is astonishing how the interest of the moment can blind them. But until some commutation takes place, the country never can be quiet.

"Tithes will ever be one of the most powerful weapons a demagogue can wield. On the whole it appears to me that the minds of men are so heated, that nothing but the *horrors* of revolution can cool them. Many wish for the experiment, and to fly to ills they know not of."

be reluctantly driven never can produce the effects proposed by it, because it is impossible to persuade the people that, as long as they govern, they will not have both the power and inclination totally to frustrate the effect of this new arrangement, as they have done that of all the former.

Indeed it will appear astonishing that these men should be kept in the sole monopoly of all power, upon the sole merit of their resistance to the Catholic claims, as inconsistent with the connexion of the two kingdoms; and yet at the same time to see those claims admitted, and the pretended principle of the connexion of the two countries abandoned, to preserve to the same persons the same monopoly. By this it would appear that the subject is either to be relieved or not; and the union of the two kingdoms abandoned or maintained, just as it may answer the purposes of a faction of three or four individuals. But if that junto was thrown out to-morrow, along with their measure, government has proceeded in such a manner, and committed so many [things] in violent declarations on this subject, that a complete emancipation would no longer pass with its former facility, and a strong ferment would be excited in the church party, who, though but few in numbers, have in their hands most of the ultimate and superior property of the kingdom. These difficulties appear to me to be great. Certain it is, that if they were removed, the leaders of the opposition must be taken into their places, and become the object of confidence to an English government. They are to a man pledged for some alteration in the constitution of parliament. If they made no such alteration, they would lose the weight which they have, and which is necessary to quiet the country. If, on the other hand, they were to attempt a change upon any of the plans of moderation which I hear they have adopted, they would be as far from satisfying the demands of the extravagant people, whom they mean to comply with, as they would be in preserving the actual constitution which was fabricated in 1614. The second infallible consequence would be, that if a revolution of this kind (for it would be a revolution) were accomplished in Ireland, though the grounds are a little different, yet the principle is so much the same, that it would be impossible long to resist an alteration of the same kind on this side of the water; and I never have doubt-

ed since I came to the years of discretion, nor ever can doubt, that such changes in this kingdom would be preliminary steps to our utter ruin; but if I considered them as such at all times, what must they appear to me at a moment like the present? I see no way of settling these kingdoms but by a great change in the superior government *here*. If the present administration is removed, it is manifest to me, that the Duke of Bedford, and Lord Guildford, and the Duke of Northumberland, and Lord Lansdowne, all, or most of them, under the direction of Mr. Sheridan and Mr. Fox, will be the sole option; that if they took in the Duke of Portland, they must take him in, at best, in the state of utter insignificance in which unfortunately he now stands. That they would gladly take in my Lord Fitzwilliam I have no question; but I am sure he would have no support, and never would be suffered to play any principal part, as long as he holds the maxims and is animated by the sentiments for which, as a statesman, we value him. He certainly would be best in Ireland, but I am very far from being sure that his connexions there would look up to him with the same simple and undivided affection which they formerly did; and I am equally uncertain whether he would leave behind him a ministry which, in the mass, would be better disposed to his support than those who had formerly betrayed him. Besides, I cannot look without horror upon his being conjoined (and possibly found in a new reign in such a conjunction) with a ministry who have spared no pains to prove their indifference, at least, to the local honour and interest of their country, or to the general liberty of Europe; and, indeed, who have wished to leave no doubt upon any mind, that it is their ambition to act in this country as a subordinate department to the Directory of the French Republic. I see no ray of hope but in some sort of coalition between the heads of the factions who now distract us, formed upon a sense of the public danger. But unfortunately their animosity towards each other grows with the danger. I confess that if no such coalition is made, and yet that a change should take place, I see in the present ministry and its partisans an opposition far more formidable than that which we have at present; and that after a while, at least, their principles and their modes of proceeding will not be found very different from

those of the present opposition. I must add, since I am opening my mind so much at large, that when I look at the state of the *civil* list in Great Britain, which I have reason to know and feel to be full two years in debt to most of the departments, I see no means of carrying on government upon anything like a broad bottom, even officially; to say nothing of the necessary accommodation to those expectants who will look to come forward with advantage, or to retire without marks of disgrace; and both parties have emulously concurred in cutting off all those extraneous means of accommodation which might supply the deficiency of the civil list resources. In Ireland things are yet worse. They have seized upon all the means of government, in order to accommodate one family and its dependencies; and they have so squandered away every resource, under the pretence of providing a home defence, that not only is Ireland unable to form a system of comprehension, but England will soon find itself unable to supply that kingdom with the means of its ordinary existence. To whatever point of the compass I turn my eyes, I see nothing but difficulty and disaster. You will naturally say, Why therefore do you reason in a state of despair? I do it, that Lord Fitzwilliam and yourself may see my melancholy reveries in this deplorable state of things. The very consideration of the difficulties which strike me may suggest to better heads than mine the means of overcoming them.

I do not know whether you have seen Hussey's Pastoral Letter. It is written with eloquence and energy, and with, perhaps, too little management towards the unfortunate system which rules in Ireland at present; but it is the product of a manly mind, strongly impressed with the trust committed to his hands for supporting that religion, in the administration of which he has a very responsible place, and which he considers as in the commencement of a new persecution. It is therefore no wonder that he recommends an adherence to it under all circumstances, which many people, animated by a contrary party zeal, may not approve: but men must act according to their situation, and for one I am of opinion that it were better to have a strong party zeal, provided it is bottomed in our common principles, than anything resembling infidelity, which last we know, by woeful experience, is as

capable of religious persecution as any sectarian spirit can possibly be.

I received your letter of yesterday. Nothing can equal the precipitation of ministers in acceding to the demands of the first mutiny. Nothing but want of foresight can be alleged in favour of the formalizing delay to effectuate the purposes of the grant which had been extorted from their fears. But this will ever be the case of those who act from no principle but fear. The moment that is over, they fall into a supine security. I agree with you, that no folly ever equalled their attempt to beg off discussion upon this subject. They ought to have known that it would have no other effect than what it had, which was to provoke and inflame the discussion they had so childishly sought to avoid; but the whole is the result of that meanness of spirit which has brought on all our misfortunes, and rendered all our resources fruitless.

Delicacy alone has been the sole cause of my silence to Mr. Windham with relation to the affairs of Ireland; otherwise he is entitled to and he possesses my most unreserved confidence. I have therefore no sort of difficulty in wishing him to know my thoughts upon that subject. They will not be very encouraging to him, because I am greatly afraid that the preposterous method [of] beginning with force and ending with concession may defeat the effect of both. If things had been in their natural course, I should certainly have agreed with him. No concession on the part of government ought ever to be made without such a demonstration of force as might insure it against contempt. It will always be a matter of great moment in whose hands the force to be applied in domestic disturbances is placed. Never, no, never shall I be persuaded that any force can appear otherwise than as odious, and more odious than dreaded, when it is known to be under the direction of Lord Carhampton. I will not enter into all the particulars, but among the many mischievous measures lately adopted, his nomination to the office of commander-in-chief led to by far the worst consequences.

When I am opening my mind to you, I must add, that as long as a shallow, hot-headed puppy, proud and presump-

tuous, and ill-behaved, like Mr. Cooke, has the chief or any credit at the Castle, or with ministry here, I can expect no sort of good from anything that can be done in parliament. When we talk of giving way to Mr. Grattan and the Ponsonbys, I suppose it is meant that they should be taken into the Irish ministry; else to give them a triumph, and at the same time to leave them in a state of discontent and dissatisfaction, if we consider the interest of government as government, is to act against the most obvious dictates of common sense. Adieu. I may truly say with Addison's Cato, "I am weary of conjecture." I will not add with him, that "this must end them." But they must soon be ended by the Master of the drama, to whose will, pray with me, that we may be all, in all things, submissive.—Do n't forget to send me the Report of the House of Commons, and that of the House of Lords, if you can get it; though I do not know why I am anxious about it, because as a nation our fate seems decided, and we perish with all the material means of strength that ever nation has possessed, by a poverty and imbecility of mind which has no example, I am sure, and could have no excuse even in the weakest. Adieu, adieu.

Yours ever,

E. B.

TO DR. LAURENCE.

MY DEAR LAURENCE, Beaconsfield, 1st June, 1797.

It is not easy for me to describe to you the state of Lord Fitzwilliam's mind. Indeed the condition of all affairs, of Irish affairs in particular, especially as they relate to him, both as a man and as a statesman, are enough to perplex a very clear understanding, such as, in truth, his understanding naturally is; but independently of these difficulties, which I feel to press equally upon any judgment of my own, he has those which result from his own passions, from a strong predilection to Mr. Fox with regard to this side of the water, and a still stronger with regard to Mr. William Ponsonby on the other side. As to Mr. Ponsonby, he seems to be guided by nothing but his passions. He is by his natural temper, perhaps, the most vehemently irritable and habitually irritated of any person whom I have ever heard of—I mean of a man

conversant with public affairs; and he is even yet more hot in deliberation and council than he is in debate. Lord Fitzwilliam has not only his predilections, but he is influenced, too much so in my opinion, though very naturally and very excusably, by a rooted animosity against Mr. Pitt, and, indeed what he has not in particular to himself, an incurable suspicion of his sincerity. If his predilections had been returned by any correspondent degree of attachment or confidence on the part of Mr. Ponsonby or Mr. Grattan, I should not be inclined to blame the confidence which he has in them, because, independently of their conduct (under great provocations, I admit), they are, especially the latter, men of integrity and public spirit; but they not only do not act in confidence or in concert with Lord Fitzwilliam, but they are actually engaged in personal connexion, and combined in public arrangements, in a manner that would virtually exclude my Lord Fitzwilliam as much from all influence and direction in public affairs as Mr. Pitt does, or possibly can do. It is plain that Ponsonby has concerted the infernal plan of what he calls Parliamentary Reform, with the opposition here, and eminently with his son-in-law, Mr. Grey, with whom he is connected full as much by politics as he is by family ties. Lord Fitzwilliam sees this Parliamentary Reform, thus pushed in concert by the opposition in both kingdoms, exactly in the same light which you and I do, and yet without regard to the dreadful consequences which he foresees from this measure, and without regard to the total, at least temporary, alienation of those people from his confidence, his connexion, and his principles. I plainly perceive that, if he was consulted, he would advise to throw everything into their hands. If I am asked what I would myself advise in such a case, I should certainly advise the same, but with this temperament and express previous condition, that they renewed their confidence in Lord Fitzwilliam, whom I hold to be the only person to settle Ireland; and that they give him some assurance as a man, a gentleman, and a friend, that they will be practicable about their schemes of changing the constitution of the House of Commons; and that they will desist from the scheme of an absentee tax, which in its principle goes more to the disconnexion of the two kingdoms than anything which is proposed by the United

Irishmen. As to Mr. Grattan's other project, of laying new taxes upon English commodities, and the principle upon which he proposes it, — namely, that England is a foreign and a hostile kingdom and adverse in interest, [it] is, I think, a measure he would hardly persevere in. I think the difficulty of the case is extreme, when you consider the military government established on the one hand, and the wild democratic representation proposed as its cure [on] the other. If Lord Fitzwilliam cannot be the Lord-Lieutenant, a thing to which he never would consent, and indeed in prudence ought not to do, leaving an adverse cabinet behind him, and if that adverse cabinet be, as it is, full as little disposed to trust to him as he is to rely upon it, the only way in which he can be serviceable is in a mediatorial capacity; and this office of a mediator he certainly cannot perform in the temper he is in at present. I have entered into a very great detail with him, perhaps into too great a detail, upon all those points, not being quite sure that I should live to converse with him again upon the subject; yet I am afraid that I have poured too much into a mind in itself over anxious and over full. He does not like, nor indeed do I much, the manner in which he seems to be indirectly and without the least confidence consulted about a particular member of an arrangement, I mean that of naming your namesake, Judge Lawrence, to be Chancellor of Ireland. It is plain that they mean some change to satisfy the people, but not essentially to alter their system, or to bring in any man whose local weight and authority might counterbalance that of Lord Clare and his faction, or prove a gratification to any description of the people, or to facilitate any general arrangement; and they seem to want a sort of sanction from Lord Fitzwilliam, with regard to a single member of some system with which he is wholly unacquainted. The thing was first suggested to him by Lord Carlisle, and Woodford in a letter to me made the same suggestion, to be communicated to Lord Fitzwilliam as from Mr. Windham. He was naturally much against giving any opinion on the subject; for which he gave many good reasons; but he was so hurt at those unconfidential confidences, that he was for some time unwilling that I should communicate his reasons for declining any

opinion in my answer to Mr. Woodford's communication. However, I persuaded him to let me do it, as I am sure that, guarding himself by a prudent suspicion, he ought to be as open to hear as cautious to determine upon any matter relative to Ireland. This is all with which I have to trouble you at present.

As to the state of my body since my return, I cannot help smiling at the thought of Woodford's seeing it in so gay a point of view; for I am sure if I should live to see you, you will rather think me a man dug out of the grave than as a man going, as I am, into it. I am infinitely weaker than when I left this, and far more emaciated. "Pallor in ore sedet, macies in corpore toto." I look like Ovid's Envy, but, thank God, without much envying any one; and certainly not in a condition to be envied, except by those who prognosticate the dreadful evils of every kind which are impending over us. Adieu. Mrs. Burke salutes you cordially; and believe me

Ever yours,

E. B.

P. S. I forgot to tell you that I have seen and conversed, though not enough, with Dr. Hussey; but this I know, that he has stated facts sufficient to justify almost everything which might have been considered as indiscreet in his pastoral letter.

TO THOMAS KEOGH, ESQ., GRAY'S-INN COFFEE-HOUSE.

SIR, Beaconsfield, 17th Nov., 1796.

I am so much out of the world, that I am not surprised every one should be ignorant of, as he is uninterested in, the state of my health, my habits of life, or anything else that belongs to me.

Your obliging letter of the 20th of July was delivered to me at Bath, to which place I was driven by urgent necessity, as my only chance of preserving a life which did not then promise a month's duration. I was directed to suspend all application to business, even to the writing of a common letter; as it was thought that I had suffered by some such application, and by the attendant anxiety, before and about that

time. I returned from Bath not well, but much recovered from the state in which I had been; and I continued in the same condition of convalescence for a month or six weeks longer. Soon after I began gradually to decline, and at this moment I do not find myself very materially better or stronger than when I was sent to Bath.

I am obliged to you for the offer which you made in that letter, of conveying anything from me to Ireland; but I really thought you had known that I have no kind of correspondence or communication with that country, and that for a good while I had not taken any part whatsoever in its affairs. I believe you must have observed when last I had the honour of seeing you in London, how little any opinions of mine are likely to prevail with persons in power here, even with those with whom I had formerly a long and intimate connexion. I never see any of his Majesty's ministers, except one gentleman, who, from mere compassion, has paid me some visits in this my retreat, and has endeavoured by his generous sympathy to soothe my pains and my sorrows: but that gentleman has no concern in Irish affairs, nor is, I believe, consulted about them. I cannot conceive how you or anybody can think that any sentiments of mine are called for, or even admitted, when it is notorious that there is nothing at home or abroad, in war or in peace, that I have the good fortune to be at all pleased with. I ought to presume that they who have a great public trust, who are of distinguished abilities, and who are in the vigour of their life, behold things in a juster point of view than I am able to see them, however my self-partiality may make me too tenacious of my own opinion. I am in no degree of confidence with the great leader either of ministry or opposition.

In a general way, I am but too well acquainted with the distracted state of Ireland, and with the designs of the public enemy pointed at that kingdom. I have my own thoughts upon the causes of those evils. You do me justice in saying, in your letter of July, that I am a true Irishman. Considering as I do England as my country, of long habit, of obligation, and of establishment, and that my primary duties are hers, I cannot conceive how a man can be a genuine Englishman, without being at the same time a true Irishman, though fortune should have made his birth on this side of the

water. I think the same sentiments ought to be reciprocal on the part of Ireland, and if possible with much stronger reason. Ireland cannot be separated one moment from England, without losing every source of her present prosperity, and even hope of her future. I am very much afflicted, deeply and bitterly afflicted, to see that a very small faction in Ireland should arrogate it to itself to be the whole of that great kingdom; I am more afflicted in seeing that a very minute part of that small faction should be able to persuade any person here, that on the support of their power the connexion of the two kingdoms essentially depends. This strange error, if persevered in (as I am afraid it will), must accomplish the ruin of both countries. At the same time I must as bitterly regret, that any persons who suffer by the predominance of that corrupt fragment of a faction should totally mistake the cause of their evils, as well as their remedy; if a remedy can be at all looked for; which I confess I am not sanguine enough to expect in any event, or from the exertions of any person; and least of all from exertions of mine, even if I had either health or prospect of life commensurate to so difficult an undertaking. I say, I do regret, that the conduct of those who suffer should give any advantage to those who are resolved to tyrannize. I do believe that this conduct has served only as a pretext for aggravating the calamities of that party, which, though superior in number, is from many circumstances much inferior in force.

I believe there are very few cases which will justify a revolt against the established government of a country, let its constitution be what it will, and even though its abuses should be great and provoking; but I am sure there is no case in which it is justifiable, either to conscience or to prudence, *to menace resistance* when there is no means of effecting it, nor perhaps in the major part any disposition. You know the state of that country better than I can pretend to do, but I could wish, if there was any use in retrospect, that those menaces had been forborne; because they have caused a real alarm in some weak though well-intentioned minds; and because they furnish the bold and crafty with pretences for exciting a prosecution of a much more fierce and terrible nature than I ever remember, even when the country was under a system of laws apparently less favourable to its tran-

quillity and good government, at the same time that sober exertion has lessened in the exact proportion in which flashy menaces increased. Pusillanimity (as often it does) has succeeded to rage and fury. Against all reason, experience, and observation, many persons in Ireland have taken it into their heads that the influence of the government here has been the cause of the misdemeanour of persons in power in that country, and that they are suffering under the yoke of a British domination. I must speak the truth—I must say, that all the evils of Ireland originate within itself; that it is the boundless credit which is given to an Irish cabal that produces whatever mischiefs both countries may feel in their relation. England has hardly anything to do with Irish government. I heartily wish it were otherwise; but the body of the people of England, even the most active politicians, take little or no concern in the affairs of Ireland. They are, therefore, by the minister of this country, who fears upon that account no responsibility here, and who shuns all responsibility in Ireland, abandoned to the direction of those who are actually in possession of its internal government: this has been the case more eminently for these five or six last years; and it is a system, if it deserves that name, not likely to be altered.

I conceive that the last disturbances, and those the most important, and which have the deepest root, do not originate, nor have they their greatest strength, among the Catholics: but there is, and ever has been, a strong republican Protestant faction in Ireland, which has persecuted the Catholics as long as persecution would answer their purpose, and now the same faction would dupe them to become accomplices in effectuating the same purposes; and thus either by tyranny or seduction would accomplish their ruin. It was with grief I saw last year with the Catholic delegates a gentleman, who was not of their religion, or united to them in any avowable bond of a public interest, acting as their secretary, in their most confidential concerns. I afterwards found that this gentleman's name was implicated in a correspondence with certain Protestant conspirators and traitors, who are acting in direct connexion with the enemies of all government and religion. He might be innocent; and I am very sure that those who employed and trusted him were

perfectly ignorant of his treasonable correspondences and designs, if such he had; but as he has thought proper to quit the king's dominions about the time of the investigation of that conspiracy, unpleasant inferences may have been drawn from it. I never saw him but once, which was in your company, and at that time knew nothing of his connexions, character, or dispositions.

I am never likely to be called upon for my advice in this or in any business; and after having once almost forcibly obtruded myself into it, and having found no sort of good effect from my uncalled-for interference, I shall certainly, though I should have better health than I can flatter myself with, never again thrust myself into those intricate affairs. Persons of much greater abilities, rank, and consequence than I am, and who had been called by their situation to those affairs, have been totally overwhelmed by the domineering party in Ireland, and have been disgraced and ruined, as far as independence, honour, and virtue can be ruined and disgraced. However, if your leisure permits you to pay a visit to this melancholy infirmary, I shall certainly receive any information with which you are pleased to furnish me; but merely as news, and what may serve to feed the little interest I take in this world. You will excuse my having used the hand of a confidential friend in this letter, for indeed I suffer much by stooping to write.

I have the honour to be, &c.

EDMUND BURKE.

FRAGMENT OF A LETTER TO LORD CHANCELLOR LOUGHBOROUGH.

WITHOUT A DATE.

MY DEAR LORD,

I am to inform you, that your good-natured presentation has had its full effect, and that Mr. Etty is parson of Whitchurch. By that one arrangement your Lordship has the satisfaction of making several people happy: the person who resigned the living not the least so. Your protégé is much attached to a very pleasing young woman, the daughter of a worthy clergyman in this neighbourhood. Without this preferment there was no hope of their union. All the parties

have a considerable degree of merit; and they feel much gratitude for the happiness they enjoy, and the good prospect which, in their estimate, lies before them. I am sure I am myself extremely obliged to you on this occasion, and should think myself much to blame, if I neglected to make you my best acknowledgments.

We must enjoy those transient satisfactions as they arise, without inquiring too minutely into their probable duration. God knows how long the church establishment, on which these people exist, and to which such multitudes are now breeding up, is likely to last. But whenever that goes, it will go with everything else.

When that grand period will arrive it is not easy to foresee with exactness; but there are plain and evident marks of its approach. I do n't mean that they appear in the event of this or that measure (though the prospect in that point of view is gloomy enough), but in the dispositions of men, which prepare bad events and improve accidental misfortune into systematic ruin. I very much doubt whether, in any country, they who have the charge of us, the poor flock, are sufficiently aware of the giant-strides with which the great over-bearing master-calamity of the time is advancing towards us. All you, the great, act just as if you thought a thousand things were to be feared or pursued for their own separate sakes, when, in reality, none are worth notice, otherwise than as they tend to promote or resist the cause of Jacobinism. What amazes me, even to consternation and horror, is, that people, otherwise of the very best understandings, proceed exactly as if everything stood in the situation in which you and I saw them thirty years ago, at a time when very great errors led but to very slight consequences; and not as they are now, when very slight mistakes lead to incalculable evils. Then the greatest changes which could be apprehended could very little affect the domestic happiness of the greater part of mankind;—now no man's fireside is safe from the effects of a political revolution.

I confess that the conversation I had with your Lordship, when you were kind enough to pay a short visit to this melancholy abode, filled me with no small uneasiness at that time and ever since. From the tenor of that conversation I collected, that if the ministry should exist at all in the

form it had lately taken, it must lose for ever that cement of cordiality, of coöperation, and of unity of design for which alone political coalitions are worth pursuing and framing.

This disunion has happened at the time, in the manner, and on the subject which of all others is calculated to render it fatal. We see our way but ill before us! I thought that the reputation and the permanence of Mr. Pitt's administration was the very corner-stone of the salvation of Europe. I thought that the junction lately made was the security of that angular piece. You know that although I had no share in the executive detail (a thing for which I have little capacity and no liking), how ardently I wished, how earnestly I laboured for, and how truly I rejoiced in the late arrangement. But would to God it had never been made! without it there was a possibility (in truth, no more than a possibility) of avoiding ruin. But now, at least in my bosom, every ray of hope is extinguished.

I know that many of those who considered themselves as Mr. Pitt's friends, and many of those who were in the closest connexion with the Duke of Portland and with Lord Fitzwilliam, were against the late coalition. They will neither of them be sorry to see them kept in with humiliation and mortification, or, what one set of them will like better, to see them kicked out with disgrace. But their rejoicing will be the grief of a late posterity.

"The child will rue, that is unborn, the hunting of that day."

It is as I expected: Lord Fitzwilliam is not to go to Ireland. The reason, as I hear, for his not going is that alone for which I should wish him to go at all. It was apprehended that he would make some changes in Ireland. I have seen and conversed with Lord F. upon Ireland; though not at all about the arrangements of men, nor the difficult case which has since occurred, and of which it did not seem to me that Lord F. had the least suspicion. He desired to talk to me, as to a man of some knowledge in the affairs of Ireland, and of great zeal and earnestness that the king's business should go on prosperously in that kingdom, and at this time. I gave him my honest opinions (which you know, as well as he knows them) on that subject. I took the liberty, even before I had seen him, and on the prospect of Hutchinson's

death (or instantly after it, I forget which), to caution him against jobbing away the two offices which he held, particularly that of the college. Of this I am sure, that, before Hutchinson's death, I wrote to Grattan to exert himself to prevent that seminary of the church of Ireland from becoming a matter of state accommodation or private patronage. I wrote to the Duke of Portland a long letter to the same effect. Even in the first paroxysms of grief, under the heavy hand of God, when Windham's kindness broke in upon me, finding it long before given out that I was soliciting, and in one paper it being asserted that I had secured it to myself, I spoke and wrote my mind very fully to him against this radical job, which struck at the rising generation, and poisoned public principle in its first stamen—and when I heard that one Dr. Bennet, not content with his bishopric, was so greedy and so frantic, at this time, when the church labours under so much odium for avarice, as to wish to rob the members of its seminary, men of the first characters in learning and morals, of their legal rights, and by dispensation to grapple to himself, a stranger and wholly unacquainted with the body, its lucrative provostship as a Commendam, I wrote to the Duke of Portland strongly to enforce the idea I expressed to your Lordship in our conversation, and before to him by letter against unstatutable nominations. I considered a dispensation to be to the statutes only as equity to law; and that he, the Duke of Portland, had no right by his arbitrary will and pleasure to recommend a violation of the law, and the robbing of other people of their undoubted rights.

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THE END.

JOHN CHILDS AND SON, PRINTERS.